

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/776,267	Filing date:	May 7, 2010
First Named Inventor:	Shmuel Dovid Newman		
Title of the Invention:	Safety Relief Fill Valve Assembly		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/US2010/033670

**The international filing date of the corresponding  
PCT application(s) is/are:** May 5, 2010

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.**

# REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/776,267
First Named Inventor:	Shmuel Dovid Newman

- ☐ Is attached
- ☒ Has already been filed in the above-identified U.S. application on
- February 17, 2011

- ☐ Are attached.
- ☒ Have already been filed in the above-identified U.S. application on **February 17, 2011**

[illegible]

Signature <b>/Lance M. Pritikin/</b>	Date <b>February 18, 2011</b>
Name (Print/Typed) <b>Lance M. Pritikin</b>	Registration Number <b>59,845</b>





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/776,267	05/07/2010	Shmuel Dovid Newman	DAAS0102PUSP	1915

28040	7590	02/23/2011
Brooks Kushman P.C. / LA 1000 Town Center 22nd Floor Southfield, MI 48075		

EXAMINER	
----------	--

ART UNIT	PAPER NUMBER
3753	

NOTIFICATION DATE	DELIVERY MODE
02/23/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vibrahim@brookskushman.com  
vkulisz@brookskushman.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Brooks Kushman P.C. / LA  
1000 Town Center  
22nd Floor  
Southfield MI 48075

In re Application of	:	
NEWMAN, SHMUEL DOVID et al	:	DECISION ON REQUEST TO
Application No. 12/776,267	:	PARTICIPATE IN PATENT
Filed: May 7, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. DAAS0102PUSP	:	PROGRAM AND PETITION
Title: SAFETY RELIEF FILL VALVE ASSEMBLY	:	MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb. 18, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to Stephen Hepperle, the SPE of Art Unit 3753 at 571-272-4913 for Class 137/115 and also accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83142968

Application Number  
(if known): 12/776,276

Filing date: May 7, 2010

First Named  
Inventor: Xiaogang Zhang

Title: EXHAUST SYSTEM MIXING DEVICE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature

Name  
(Print/Typed) John D. Russell

Date February 7, 2011

Registration Number 47,048

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Xiaogang Zhang  
Application No. : 12/776,276  
Filed : May 7, 2010  
Title : EXHAUST SYSTEM MIXING DEVICE  
Group Art Unit : 3748  
Confirmation No. : 1944  
Docket No. : 83142968

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

February 7, 2011  
Date

Caitlin Fackrell  
Caitlin Fackrell

**STATEMENTS OF SPECIAL STATUS**

Applicant respectfully requests consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicant submits that special status is sought on the following basis: the claimed invention materially enhances the quality of the environment.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim in many respects.

Applicant submits that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. Specifically, the claimed invention reduces localized urea deposits in a mixing device provided in an exhaust passage. As explained in the Background and

Summary of the subject application, selective catalyst reduction (SCR) systems rely on injected urea in the exhaust stream to reduce NOx to nitrogen and water. Such systems often contain mixing devices in the exhaust passage to promote mixing of the urea with the exhaust stream. However, localized urea deposits in the mixing device can reduce the amount of urea being directed towards the catalyst, thus reducing catalyst efficiency. The claimed invention addresses the above issues by providing a mixing device that collects less urea. For example, claim 1 recites:

An exhaust system for an engine, comprising:  
an exhaust passage receiving engine exhaust gas; and  
a mixing device arranged within the exhaust passage comprising a circular disc of fin sections, each fin section having a straight edge and a curved edge, the straight edge positioned adjacent to a curved edge of a first neighboring fin section and the curved edge positioned adjacent to a straight edge of a second neighboring fin section.

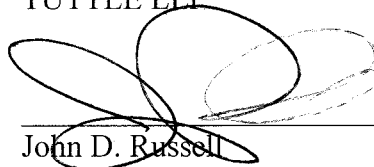
That is, a mixing device comprising a circular disc of fin sections is arranged in an exhaust passage. Each fin section has a straight edge and a curved edge, wherein the straight edge is positioned adjacent to a curved edge of a first neighboring fin section and the curved edge is positioned adjacent to a straight edge of a second neighboring fin section.

In this way, by linking one fin section via its straight edge to another fin section via its curved edge, it is possible to create openings in the inner and outer regions of the mixing device that generate oppositely rotating flows of exhaust gas. As such, the mixing device enhances flow mixing downstream of the mixing device, while operating within the packaging constraints typical of an exhaust passage. Moreover, the smooth surface of each fin section is free from creases, and thus is not prone to urea buildup. By reducing urea buildup, the desired amount of urea can be supplied to the catalyst, increasing the efficiency of NOx reduction and reducing emissions.

Please charge any cost incurred in this filing, along with any other costs, to  
Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

A handwritten signature in black ink, appearing to read "John D. Russell", is written over a horizontal line.

John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicant/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/776,276	05/07/2010	Xiaogang Zhang	83142968	1944
36865 7590 02/17/2011 ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP 806 S.W. BROADWAY, SUITE 600 PORTLAND, OR 97205			EXAMINER	
			ART UNIT	PAPER NUMBER
			3748	
			MAIL DATE	DELIVERY MODE
			02/17/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
ZHANG, XIAOGANG	:	DECISION ON PETITION
Application No. 12/776,276	:	TO MAKE SPECIAL UNDER
Filed: May 7, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204437	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Jan. 24, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **dismissed**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item #4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. It is not clear how the claimed mixing device within a flue gas passage will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3784 for action in its regular turn.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Xiaogang Zhang  
Application No. : 12/776,276  
Filed : May 7, 2010  
Title : EXHAUST SYSTEM MIXING DEVICE  
Group Art Unit : 3748  
Confirmation No. : 1944  
Docket No. : 83142968

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

March 16, 2011  
Date

/Angie C. Farr/  
Angie C. Farr

**REQUEST FOR RECONSIDERATION**

Responsive to the denial of Applicant's Petition under 37 CFR 1.102 filed February 7, 2011, Applicant respectfully requests consideration of the following statement explaining how the materiality standard is met to satisfy requirement #4.

**Statement of Facts**

1. Applicant filed a Petition under 37 CFR 1.102 on February 7, 2011 (hereinafter referred to as "the Petition"), to make the subject application special under the pilot program for applications pertaining to Green Technologies.
2. In a Decision on Petition mailed February 17, 2011, the Petition was dismissed as lacking item #4, *i.e.*, failing to include a statement pertaining to the materiality standard. As best understood by Applicant, the statement pertaining to the materiality standard included in the Petition was not accepted

as the Office requires clarification on how the invention as claimed meets the materiality standard.

3. By way of this Request for Reconsideration, Applicant provides a revised statement pertaining to the materiality standard.

#### Basis of the Petition

Applicant respectfully requests consideration of the following revised statement pertaining to the materiality standard.

Applicant submits that the claimed invention materially enhances the quality of the environment by reducing NOx emissions, which negatively impact the quality of the environment. Specifically, the claimed invention enhances the mixing of a reducing agent such as urea with vehicle exhaust and reduces localized urea deposits in a mixing device provided in an exhaust passage. As explained in the Background and Summary of the subject application, selective catalyst reduction (SCR) systems rely on injected urea in the exhaust stream to reduce NOx to nitrogen and water. Such systems often contain mixing devices in the exhaust passage to promote mixing of the urea with the exhaust stream to ensure a thorough and efficient reduction of all the NOx in the exhaust stream. However, current mixing devices often contain bent fins. These bent fins may collect localized urea deposits, which can reduce the amount of urea being directed towards the catalyst, thus reducing catalyst efficiency and increasing NOx emissions. The claimed invention addresses the above issues by providing a mixing device that collects less urea. For example, claim 1 recites:

An exhaust system for an engine, comprising:  
an exhaust passage receiving engine exhaust gas; and  
a mixing device arranged within the exhaust passage comprising a circular disc of fin sections, each fin section having a straight edge and a curved edge, the straight edge positioned adjacent to a curved edge of a first neighboring fin section and the curved edge positioned adjacent to a straight edge of a second neighboring fin section.

That is, a mixing device comprising a circular disc of fin sections is arranged in an exhaust passage. Each fin section has a straight edge and a curved edge, wherein the straight edge is positioned adjacent to a curved edge of a first neighboring fin section and

the curved edge is positioned adjacent to a straight edge of a second neighboring fin section.

In this way, each fin is smooth and free of creases, thus reducing urea build-up. By reducing the amount of urea that inadvertently collects in the mixing device, the claimed invention better ensures the desired amount of urea is injected into and mixed with the exhaust stream. As a result, catalyst efficiency is increased, therefore decreasing NOx emissions and enhancing the quality of the environment.

Request for Relief

For the above reasons, Applicant respectfully requests reconsideration of the Petition under 37 CFR 1.102 filed February 7, 2011 to make the subject application special under the pilot program for applications pertaining to Green Technologies.

Please charge any cost incurred in the filing of this Request for Reconsideration, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

/John D. Russell/

John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicant/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/776,276	05/07/2010	Xiaogang Zhang	83142968	1944
36865 7590 03/30/2011 ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP 806 S.W. BROADWAY, SUITE 600 PORTLAND, OR 97205				
			EXAMINER	
			ART UNIT	PAPER NUMBER
			3748	
			MAIL DATE	DELIVERY MODE
			03/30/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
ZHANG, XIAOGANG	:	DECISION ON PETITION
Application No. 12/776,276	:	TO MAKE SPECIAL UNDER
Filed: May 7, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204437	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed March 16, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON DC 20005

**MAILED**

**OCT 07 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Stefan Dutzmann, et al. :  
Application No. 12/776,345 : DECISION GRANTING PETITION  
Filed: May 7, 2010 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 2004.2420007/RWE/SLE :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 5, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on August 30, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1616 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**DEC 12 2011**

**OFFICE OF PETITIONS**

MDIP LLC  
POST OFFICE BOX 2630  
MONTGOMERY VILLAGE MD 20886-2630

In re Application of  
Helmling, et al.  
Application No. 12/776,377  
Filed: May 8, 2010  
Atty. Dkt. No.: 021315-08220401

:  
: DECISION ON PETITION  
:  
:  
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 29, 2011, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned November 13, 2011 for failure to timely submit a proper reply to the Notice of File Corrected Application Papers (Notice) mailed August 12, 2011. Notice of Abandonment was mailed May 13, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being directed to the Office of Patent Application Processing for further processing.

/ALESIA M. BROWN/

Alesia M. Brown  
Attorney Advisor  
Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12776379	
Filing Date	08-May-2010	
First Named Inventor	Robert Guba	
Art Unit	2617	
Examiner Name	SHARAD RAMPURIA	
Attorney Docket Number	67814-000006	
Title	Systems, Methods, And Devices For Policy-Based Control and Monitoring of Use of Mobile Devices By Vehicle Operators	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		90638 _____
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number:		
		102188 _____
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Brian L. Michaelis/	
Name	Brian L. Michaelis	
Registration Number	34221	



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : January 30, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

Robert Guba

ATTORNEY/AGENT OF RECORD

Application No : 12776379

Filed : 08-May-2010

Attorney Docket No : 67814-000006

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed January 30, 2012

The request is **APPROVED**

The request was signed by Brian L. Michaelis (registration no. 34221 ) on behalf of all attorneys/agents associated with Customer Number 90638 . All attorneys/agents associated with Customer Number 90638 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 102188 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Edward E. Kubasiewicz  
5292 White Ibis Drive  
North Port FL 34287

**MAILED**  
**MAR 24 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Kubasiewicz  
Application No. 12/776,413  
Filed: May 9, 2010  
Attorney Docket No. 12710

:  
:  
:  
:  
:

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The petition has **not** been reviewed on the merits because the petition has not been properly signed.

In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

The petition has not been signed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                    Mail Stop Petition  
                                 Commissioner for Patents  
                                 P.O. Box 1450  
                                 Alexandria, VA 22313-1450

By FAX:                    (571) 273-8300  
                                 Attn: Office of Petitions

By hand:                   Customer Service Window  
                                 Randolph Building  
                                 401 Dulany Street  
                                 Alexandria, VA 22314

Correspondence may also be submitted via the electronic filing system (EFS).

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read 'Charlema Grant', with a stylized flourish at the end.

Charlema Grant  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Edward E. Kubasiewicz  
5292 White Ibis Drive  
North Port FL 34287

**MAILED**

**MAY 02 2011**

In re Application of  
Kubasiewicz  
Application No. 12/776,413  
Filed: May 9, 2010  
Attorney Docket No. 12710

:  
:  
:  
:  
:

**OFFICE OF PETITIONS**

**DECISION ON PETITION**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers, which was mailed on May 21, 2010. The Notice to File Corrected Applications set an extendable two (2) month period for reply. No timely request for extension of time was obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on July 22, 2010. A Notice of Abandonment was mailed on February 9, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a replacement claims, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received

Charlema Grant  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CARDINAL LAW GROUP, LLC  
SUITE 2000  
1603 ORRINGTON AVENUE  
EVANSTON, IL 60201

**MAILED**  
**JUN 03 2011**  
**OFFICE OF PETITIONS**

In re Application	:	
Ivars Sondors	:	DECISION ON PETITION
Application No. 12/776,482	:	TO WITHDRAW
Filed: May 10, 2010	:	FROM RECORD
Attorney Docket No. 846/21	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 8, 2011, 2011.

The request is **DISMISSED**.

A review of the file record indicates that Customer Number 30016, Cardinal Law Group, LLC, was never appointed power of attorney in this patent application and therefore, was only designated as the correspondence address of record. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley-Collier  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**CARDINAL LAW GROUP, LLC  
SUITE 2000  
1603 ORRINGTON AVENUE  
EVANSTON, IL 60201**

**MAILED**

**JUN 24 2011**

**OFFICE OF PETITIONS**

In re Application	:	
Ivars Sondors	:	
Application No. 12/776,482	:	DECISION ON PETITION
Filed: May 10, 2010	:	TO WITHDRAW
Attorney Docket No. 846/21	:	FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 16, 2011.

The request is **DISMISSED**.

Petitioner should note that a corrected request for permission to withdraw as attorney of record cannot be granted in this instance because power of attorney was never properly appointed. As a result, the request to withdraw under 37 C.F.R. § 1.36(b) is not appropriate. See MPEP 402 Power of Attorney; Acting in a Representative Capacity.

The correspondence address of record was established via transmittal letter filed May 10, 2010. All future communications from the Office will be directed to above-listed address until a proper change of correspondence address has been submitted. See MPEP 601.03 Change of Correspondence Address.

There are no outstanding Office actions that require a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley-Collier  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ROBERT SCHULER  
45 GROTON ROAD  
SHIRLEY, MA 01464

**MAILED**  
**JUN 09 2011**  
**OFFICE OF PETITIONS**

In re Application of Goergen	:	
Application No. 12/776,562	:	Decision on Petition
Filing Date: May 10, 2010	:	
Attorney Docket No. 35399.189	:	

This is a decision on the petition under 37 CFR 1.137(b) filed April 13, 2011, to revive the above-identified application.

The petition is **granted**.

The application was filed without an abstract on May 10, 2010.

The Office mailed a Notice to File Corrected Application Papers on May 18, 2010. The notice required the submission of an abstract and set a two-month extendable period for reply.

The Office did not receive a reply or request for an extension of time in response to the May 18, 2010 notice. As a result, the application became abandoned on Tuesday, July 19, 2010.

A Notice of Abandonment was mailed February 7, 2011.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee,
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
- (4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995, or if the application is a design application.

The petition satisfies the requirements of 37 CFR 1.137(b) in so far as petitioner has supplied a reply in the form of an abstract, the required petition fee of \$1,620, and the required statement of unintentional delay. Therefore, the petition is granted and the application is revived.

The Office of Patent Examination Processing will be informed of the instant decision and the application will be prepared for examination in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', written in a cursive style.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

LAW OFFICES OF KHALILIAN SIRA, LLC  
9100 PERSIMMON TREE ROAD  
POTOMAC MD 20854

**MAILED**

**AUG 01 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
In-Nam Lee	:	
Application No.: 12/776629	:	DECISION ON
Filing or 371(c) Date: 05/10/2010	:	PETITION
Attorney Docket Number: 21302-040	:	

This is a decision in response to the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), filed July 12, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers (Notice), mailed May 20, 2010. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on July 21, 2010. A Notice of Abandonment was mailed February 8, 2011.

Applicant files the present petition and fee, and replacement drawings in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to the Office of Patent Application Processing for processing of the reply, and for continued processing in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No.

SMART & BIGGAR  
P.O. BOX 2999, STATION D  
900-55 METCALFE STREET  
OTTAWA ON K1P 5Y6  
CANADA

**MAILED**  
**JUL 12 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Dubuc et al.	:	
Application No. 12/776,757	:	DECISION ON PETITION
Filed: May 10, 2010	:	PURSUANT TO
Attorney Docket No.: 71493-1634CIPD	:	37 C.F.R. § 1.59(b)
Title: SYSTEM AND METHOD FOR I/Q	:	
IMBALANCE COMPENSATION	:	

This is a decision on the petition filed May 9, 2011, pursuant to 37 C.F.R. § 1.59(b), requesting the expungement of a terminal disclaimer that was filed on December 14, 2010.

The petition is **DISMISSED**. The terminal disclaimer that was filed on December 14, 2010 will not be expunged from the record.

The application was filed on May 10, 2010. On December 14, 2010, Petitioner submitted a terminal disclaimer to overcome a non-statutory double patenting rejection over U.S. Patent No. 7,020,226 in a non-final Office action mailed September 15, 2010.

With this petition, Petitioner has submitted the petition fee and a request that the terminal disclaimer that is associated with U.S. patent number 7,020,226 be expunged from the record. Petitioner has asserted that it has since been determined that U.S. patent number 7,020,226 and the present application no longer share a common Assignee.

37 C.F.R. § 1.59 sets forth, *in toto*:

(a)

(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.

(2) Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate (emphasis added) in which case a notice granting the petition for expungement will be provided.

(c) Upon request by an applicant and payment of the fee specified in § 1.19(b), the Office will furnish copies of an application, unless the application has been disposed of (see §§ 1.53(e), (f) and (g)). The Office cannot provide or certify copies of an application that has been disposed of.

[48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; 49 FR 48416, Dec. 12, 1984, effective Feb. 11, 1985; 50 FR 23123, May 31, 1985, effective Feb. 11, 1985; revised, 60 FR 20195, Apr. 25, 1995, effective June 8, 1995; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (b) revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000; para. (b) revised, 68 FR 14332, Mar. 25, 2003, effective May 1, 2003; revised, 68 FR 38611, June 30, 2003, effective July 30, 2003; para. (a)(1) revised, 69 FR 49959, Aug. 12, 2004, effective Sept. 13, 2004; para. (b) revised, 69 FR 56481, Sept. 21, 2004, effective Nov. 22, 2004]

It is noted that the matter Petitioner wishes to have expunged does not form part of the original disclosure, and as such, Rule 1.59(a) is not applicable.

However, expungement of the aforementioned terminal disclaimer is not appropriate, for the expungement of the terminal disclaimer would not remove the effect of the same; **the proper course of action would be to file a petition pursuant to 37 C.F.R. § 1.182, seeking the withdrawal of the terminal disclaimer.**

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the concurrently submitted after-final amendment can be processed in due course.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.<sup>1</sup> All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanowski/  
Paul Shanowski  
Senior Attorney  
Office of Petitions

---

<sup>1</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Paper No.

SMART & BIGGAR  
P.O. BOX 2999, STATION D  
900-55 METCALFE STREET  
OTTAWA ON K1P 5Y6 CA  
CANADA

**MAILED**  
**NOV 17 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Dubuc et al. : DECISION ON TWO  
Application No. 12/776,757 : PETITIONS PURSUANT TO  
Filed: May 10, 2010 : 37 C.F.R. §§ 1.182  
Attorney Docket No. 71493-1634CIPD :  
Title: SYSTEM AND METHOD FOR I/Q :  
IMBALANCE COMPENSATION :

This is in response to the petition pursuant to 37 C.F.R. § 1.182, filed on October 19, 2011, requesting the withdrawal of a terminal disclaimer. This is also a response to the petition pursuant to 37 C.F.R. § 1.182, filed on November 8, 2011, requesting expedited handling of the aforementioned request to withdraw a terminal disclaimer.

The petition pursuant to 37 C.F.R. § 1.182 requesting expedited handling is **GRANTED**. Receipt of the associated petition fee is acknowledged. The petition for the withdrawal of a terminal disclaimer has been accorded expedited handling.

The petition pursuant to 37 C.F.R. § 1.182 requesting the withdrawal of a terminal disclaimer is **GRANTED**.

On December 14, 2010, Petitioner submitted a terminal disclaimer to overcome a non-statutory double patenting rejection over U.S. patent number 7,020,226 in a non-final Office action mailed September 15, 2010.

With this petition, Petitioner has submitted the petition fee and a request that the terminal disclaimer that is associated with U.S. patent number 7,020,226 be withdrawn.

The Examiner has reviewed Petitioner's request, and has determined that the previously filed terminal disclaimer should



be withdrawn. A Miscellaneous Office Communication has been included with this decision.

The previously filed terminal disclaimer is hereby **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Telephone inquiries *regarding this decision* should be directed to the undersigned at (571) 272-3225.<sup>1</sup> All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/

Paul Shanoski

Senior Attorney

Office of Petitions

Encl. Miscellaneous Office Communication

---

<sup>1</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



**UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
12/776,757	10 May, 2010	DUBUC ET AL.	71493-1634CIPD

SMART & BIGGAR P.O. BOX 2999, STATION D 900-55 METCALFE STREET OTTAWA, CANADA K1P 5Y6		EXAMINER	
		Jean B. Corrielus	
		ART UNIT	PAPER
		2611	20111110

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

MPEP 804 partially states:

Before consideration can be given to the issue of double patenting, two or more patents or applications must have at least one common inventor and/or be either commonly assigned/owned or non-commonly assigned/owned but subject to a joint research agreement as set forth in 35 U.S.C. 103(c)(2) and (3) pursuant to the CREATE Act (Pub. L. 108-453, 118 Stat. 3596 (2004)). Congress recognized that the amendment to 35 U.S.C. 103(c) would result in situations in which there would be double patenting rejections between applications not owned by the same party (see H.R. Rep. No. 108-425, at 5-6 (2003)).

In the instant case, the application and the patent are not commonly assigned/owned. Therefore, the double patenting rejection should be withdrawn.

/Jean B Corrielus/  
Primary Examiner, Art Unit 2611



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

THE WEBB LAW FIRM, P.C.  
700 KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH PA 15219

**MAILED**  
**JAN 10 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Müller, et al. :  
Application No. 12/776,782 : DECISION  
Filed/Deposited: 10 May, 2010 :  
Attorney Docket No. 0115-101227 :

This is a decision on the petition filed 9 June, 2010, seeking to have accorded a filing date of 10 May, 2010, for the above-identified application based upon a showing that the omitted drawing/figures were present in the prior-filed application to which this application claimed benefit (pursuant to 37 C.F.R. §1.78 and/or §1.55) on deposit.

The petition is **DISMISSED**.

The instant application was deposited on 10 May, 2010.

On 20 May, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. §113 (first sentence). The Office indicated that Petitioner could demonstrate on petition the presence of the drawings/figures by presentation of evidence of deposit (e.g., date-stamped receipt card, EFS Acknowledgement Receipt); or submit the drawings/figures and accept the date of submission as the filing date.

The Office gave Petitioner two (2) months within which to reply.

On 9 June, 2010, Petitioner filed, *inter alia*, filed a petition pursuant to 37 C.F.R. §1.57 seeking a filing date of 10 May, 2010, for the application.

*Petitioner appears to have filed drawings and amendment under the rule—any determination as to that amendment will be made by the Examiner.*

Application No. 12/776,782

Petitioner's arguments and evidence have been considered. However, a review of the application confirms that, as filed, the application contained at least one method/process/composition claim. MPEP §601.01(f) provides that:

It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. §113 (first sentence). The same practice has been followed in composition applications.

Thus, pursuant to §601.01(f), a drawing is not considered essential for a filing date. The instant application is entitled to a filing date without drawings present in the application.

Accordingly, the Office should have granted the application a filing date and mailed a Notice of Omitted Items instead of a Notice of Incomplete Nonprovisional Application.

The express incorporation by reference entitled Petitioner to file an amendment under 37 C.F.R. §1.57(b) to add the subject matter of the non-provisional application into the disclosure of this application. Please note that no petition is required for that purpose, but that an amendment must be filed, and that the amendment must comply with 37 C.F.R. §1.57(b) and 37 C.F.R. §1.121 (See: MPEP §201.06(c)(IV).)

The Petition fee is waived and will be refunded *via* credit card. Should Petitioner later find that a petition fee was not refunded, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

Pursuant to this decision, the application will be referred to the Office of Patent Application Processing (OPAP) for:

- **correction of the filing date to 10 May, 2010;**
- **indication in Office records, as appropriate, that "0" sheets of drawings were present on filing** and
- **issuance of a filing receipt.**

Application No. 12/776,782

Telephone inquiries concerning this matter should be directed to John J Gillon, Jr., attorney, at (571) 272-3214. Inquiries regarding initial patent application processing should be directed to OPAP at (703) 308-9210.



Chris Bottorff  
Supervisory Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

NUTTER MCCLENNEN & FISH LLP  
SEAPORT WEST  
155 SEAPORT BOULEVARD  
BOSTON MA 02210-2604

MAILED

OCT 03 2011

OFFICE OF PETITIONS

In re Application of :  
Satoshi Nakata, et al. :  
Application No. 12/776,850 : DECISION GRANTING PETITION  
Filed: May 10, 2010 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. 109601-66342 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, September 30, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on August 25, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center 2853 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). *Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

INNOVATION DIVISION  
CANTOR FITZGERALD, L.P.  
110 EAST 59TH STREET (6TH FLOOR)  
NEW YORK, NY 10022

**MAILED**

**AUG 22 2011**

**OFFICE OF PETITIONS**

In re Application of	:
Crosthwaite et al.	:
Application No. 12/776,919	: DECISION ON PETITION
Filed: May 10, 2010	: UNDER 37 CFR 1.78(a)(3) AND
Attorney Docket No. 7478C2CCL	: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed August 10, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 119(e) for the benefit of the prior-filed applications.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

The amendment submitted with the petition as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Petitioner should note that since this application is claiming benefit of the prior-filed nonprovisional as well as provisional applications, the statement of unintentional delay must state specifically that, "The entire delay between the date the claim for priority was due under paragraph (a)(2)(ii) and (a)(5)(ii) and the date the claim was filed was unintentional."

Accordingly, before the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), can be granted, an amendment<sup>1</sup> in compliance with the above-mentioned rules, along with a renewed petition under 37 CFR 1.78(a)(3) and 1.78(a)(6), is required.

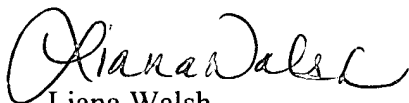
Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Window located at:  
                                    U.S. Patent and Trademark Office  
                                    Customer Service Window Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

Any questions concerning this matter may be directed to Alicia Kelley-Collier at (571) 272-6059.

  
Liana Walsh  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> Note 37 CFR 1.121



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 05/31/2010. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **075588-0067** Application Number (if known): **12/776,966** Filing date: **May 10, 2010**

First Named Inventor: **David P. RAMER, et al.**

Title: **LIGHTING USING SOLID STATE DEVICE AND PHOSPHORS TO PRODUCE LIGHT APPROXIMATING A BLACK BODY RADIATION SPECTRUM**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: PRELIMINARY AMENDMENT AND STATEMENT OF SPECIAL STATUS FOR ELIGIBILITY REQUIREMENT

Signature



Date **April 5, 2011**

Name

(Print/Typed)

**Brian K. Seidleck**

Registration Number **51,321**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/776,966	05/10/2010	David P. RAMER	075588-0067	3405
20277 7590 04/21/2011 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER TON, MINH TOAN T	
			ART UNIT 2889	PAPER NUMBER
			MAIL DATE 04/21/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON DC 20005-3096

In re Application of	:	
RAMER et al.	:	DECISION ON PETITION
Application No. 12/776,966	:	TO MAKE SPECIAL UNDER
Filed: May 10, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 075588-0067	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on April 05, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

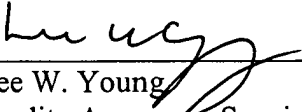
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2889 for action on the merits commensurate with this decision.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON DC 20005-3096

**MAILED**

**SEP 29 2011**

**OFFICE OF PETITIONS**

In re Application of	:
David P. Ramer, et al.	:
Application No. 12/776,966	: DECISION GRANTING PETITION
Filed: May 10, 2010	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 075588-0067	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 28, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on September 20, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2889 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

---

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**FEB 13 2012**

**OFFICE OF PETITIONS**

Huawei/BHGL  
P.O. Box 10395  
Chicago IL 60610

In re Patent No. 8,099,377 :  
Zhou et al. : DECISION ON REQUEST FOR  
Issue Date: January 17, 2012 : PATENT TERM ADJUSTMENT  
Application No. 12/776,972 :  
Filed: May 10, 2010 :  
Atty Docket No. 13674-172 :

This is a decision on the petition filed on January 31, 2012, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment be reviewed as the patent may be less than sixty-three (63) days.

The request is **DISMISSED**.

Submission of the patent term adjustment application fee is a prerequisite prior to treatment on the merits of any application submitted pursuant to 37 CFR 1.705. The instant application was filed without the required \$200.00. Further, the authorization to charge any required fees only includes fees pursuant to 37 CFR 1.16 and 1.17, which does not cover the required fee under 37 CFR 1.18.

Accordingly, the request is dismissed for failure to comply with the requirement of 37 CFR 1.705(b)(1) to submit the fee under § 1.18(e).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

Charlema Grant  
Attorney Advisor  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Pierce Atwood LLP  
100 Summer Street  
Suite 2250  
Boston MA 02110

**MAILED**

MAR 15 2011

**OFFICE OF PETITIONS**

In re Application of :  
Jonathan A. Bachman, et al. :  
Application No. 12/777,033 : **DECISION ON PETITION**  
Filed: May 10, 2010 :  
Attorney Docket No. PLAL-0110/CON :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 1, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 24, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. A five (5) month extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 26, 2010. The Notice of Abandonment was mailed January 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of replacement drawings, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Patent Application Processing for appropriate action by n the reply received.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**KNOBBE MARTENS OLSON  
& BEAR, LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614**

**MAILED**  
**JAN 12 2012**  
**OFFICE OF PETITIONS**

**In re Application of  
Tsutomu Iwaki, et al.  
Application No.: 12/777,119  
Filed: 10 May 2010  
Attorney Docket No.: SUTOSH.589AUS  
For: INFORMATION PROCESSING  
APPARATUS AND DISPLAY  
CONTROL METHOD**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 9 December 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**DISCUSSION**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or

- iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to April M. Wise at (571) 272-1642.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/dab/

David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER/EBAY  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

**MAILED**

**FEB 18 2011**

**OFFICE OF PETITIONS**

In re Application of:	:	
Szuppa et al.	:	DECISION DISMISSING
Application No. 12/777123	:	PETITION UNDER
Filing or 371(c) Date: 05/10/2010	:	37 CFR 1.47(b)
Title of Invention:	:	
METHODS AND SYSTEMS FOR	:	
RECURRING FEATURE	:	
SUBSCRIPTION SERVICE	:	

This Decision is in response to the "Petition to File Application Without Inventor," filed November 24, 2010, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors. The petition is properly treated under 37 CFR 1.47(b).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

**Background**

The above-identified application was filed May 10, 2010, without an executed oath or declaration executed by the inventors. In response, this Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice") on May 25, 2010, requiring, *inter alia*, a fully executed oath or declaration.

In response to the Notice, Applicant files the present petition, and proof that inventors Anika Szuppa and Alfred van de Pol refuse to join in the application, and a properly executed oath/declaration.

Applicable Law, rules and MPEP

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor(s); (5) proof of proprietary interest; and (6) proof of irreparable harm. Applicant lacks items (5), and (6) as set forth above.

As to item (5), Applicant failed to show or provide proof that eBay Inc., or anyone other than the inventor(s), has sufficient proprietary interest in the subject matter to justify the filing of the application (*see* MPEP 409.03(f)). Acceptable proof would include a copy of an assignment of the invention by the inventor to the Rule 47(b) applicant; a copy of proof that the inventor has agreed in writing to assign the invention to the applicant, or a legal memorandum signed by an attorney familiar with the law of the jurisdiction stating that a court of competent jurisdiction would by the weight of authority in that jurisdiction award the title of the invention to the Rule 47(b) applicant.

When an application is deposited pursuant to 37 CFR 1.47(b), the 37 CFR 1.47(b) applicant must prove that

- (A) the invention has been assigned to the applicant, or
- (B) the inventor has agreed in writing to assign the invention to the applicant, or
- (C) the applicant otherwise has sufficient proprietary interest in the subject matter to justify the filing of the application. (Emphasis supplied).

If the application has been assigned, a copy of the assignment (in the English language) must be submitted. The assignment must clearly indicate that the invention described in the 37 CFR 1.47(b) application was assigned to the 37 CFR 1.47(b) applicant. A statement under 37 CFR 3.73(b) by the assignee must also be submitted (*see* MPEP § 324). An assignment of an application and any "reissue, division, or continuation of said application" does not itself establish an assignment of a continuation-in-part application. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956). An assignment to a 37 CFR 1.47(b) applicant for the sole purpose of obtaining a filing date for a 37 CFR 1.47(b) application is not considered an assignment within the meaning of 35 U.S.C. 118 and 37 CFR 1.47(b).

When an inventor has agreed in writing to assign an invention described in an application deposited pursuant to 37 CFR 1.47(b), a copy of that agreement should be submitted. If an agreement to assign is dependent on certain specified conditions being met, it must be established by a statement of facts by someone with first hand knowledge of the circumstances in which those conditions have been met. A typical agreement to assign is an employment agreement where an employee (nonsigning inventor) agrees to assign to his or her employer (37 CFR 1.47(b) applicant) all inventions made during employment. When such an agreement is relied on, it must be established by a statement of a person having firsthand knowledge of the facts that the invention was made by the employee while employed by the 37 CFR 1.47(b) applicant.

If the invention has not been assigned, or if there is no written agreement to assign, the 37 CFR 1.47(b) applicant must demonstrate that he or she otherwise has a sufficient proprietary interest in the matter.

A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record. (Emphasis supplied).

MPEP 409.03(f).

As to item (6), irreparable damage may be established by a showing (a statement) that a filing date is necessary to preserve the rights of the party or to prevent irreparable damage. See, MPEP 409.03(g).

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Director for Patents  
                                    PO Box 1450  
                                    Alexandria, VA 22313-1450

By FAX:                      (571) 273-8300  
                                    Attn: Office of Petitions

By hand:                      Customer Service Window  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SCHWEGMAN, LUNDBERG & WOESSNER/EBAY  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

**MAILED**  
**SEP 21 2011**  
**OFFICE OF PETITIONS**

In re Application of:	:	
Szuppa et al.	:	DECISION GRANTING
Application No. 12/777123	:	PETITION UNDER
Filing or 371(c) Date: 05/10/2010	:	37 CFR 1.47(b)
Title of Invention:	:	
METHODS AND SYSTEMS FOR	:	
RECURRING FEATURE	:	
SUBSCRIPTION SERVICE	:	

This is in response to the "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(b)," filed September 16, 2011, and supplemented September 19, 2009, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is granted.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

Petitioner has shown that the non-signing inventors, Anika Szuppa and Alfred van de Pol, refuse to join in the application.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to Technology Center Art Unit 3629 for examination in the normal course of business.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ALFRED van de POL  
SPANDAUER STRASSE 29  
10178 BERLIN  
GERMANY

**MAILED**  
**SEP 21 2011**  
**OFFICE OF PETITIONS**

In re Application of:  
Szuppa et al.  
Application No. 12/777123  
Filing or 371(c) Date: 05/10/2010  
Title of Invention:  
METHODS AND SYSTEMS FOR  
RECURRING FEATURE  
SUBSCRIPTION SERVICE

:  
:  
:  
:  
:  
:  
:  
:

LETTER

Dear Ms. Szuppa:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As an inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions

cc: SCHWEGMAN, LUNDBERG & WOESSNER/EBAY  
P.O. BOX 2938  
MINNEAPOLIS MN 55402





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ANIKA SZUPPA  
WERNERSTRASSE 1  
14109 BERLIN  
GERMANY

**MAILED**  
**SEP 21 2011**  
**OFFICE OF PETITIONS**

In re Application of:  
Szuppa et al.  
Application No. 12/777123  
Filing or 371(c) Date: 05/10/2010  
Title of Invention:  
METHODS AND SYSTEMS FOR  
RECURRING FEATURE  
SUBSCRIPTION SERVICE

LETTER

Dear Ms. Szuppa:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As an inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions

cc: SCHWEGMAN, LUNDBERG & WOESSNER/EBAY  
P.O. BOX 2938  
MINNEAPOLIS MN 55402



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**AUG 31 2010**

**OFFICE OF PETITIONS**

**TED SABETY, c/o Sabety +associates, PLLC**  
**1130 Bedford Rd.**  
**PLEASANTVILLE NY 10570**

In re Application of :  
Youssef M. Habib et al. :  
Application No. 12/777,165 : **ON PETITION**  
Filed: May 10, 2010 :  
Attorney Docket No. ILLX\_17\_UTIL :

This is a decision on the petition under 37 CFR 1.182, filed July 12, 2010, to change the order of the names of the inventors.

The petition is **DISMISSED**.

The petition can not be granted at this time because the proper petition fee was not paid. Petitioner provided a fee of \$130 but the correct fee is \$400 as set forth in 37 U.S.C. 1.17(f).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

A handwritten signature in black ink, appearing to be 'Carl Friedman', with a long horizontal flourish extending to the right.

Carl Friedman  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**TED SABETY, c/o Sabety +associates, PLLC**  
**1130 Bedford Rd.**  
**PLEASANTVILLE NY 10570**

**MAILED**

**OCT 01 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Robert Caracciolo et al. :  
Application No. 12/777,165 :  
Filed: May 10, 2010 :  
Attorney Docket No. ILLX\_17\_UTIL :

**ON PETITION**

This is a decision on the renewed petition under 37 CFR 1.182, filed September 15, 2010, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Robert Caracciolo
2. Youssef M. Habib

Our records have been updated and a corrected Filing Receipt, which sets forth the changes as requested. A copy will be attached to this decision.

This application is being forwarded to the Technology Center for further processing.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions

Attachment: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/777,165	05/10/2010	1795	1202	ILLX_17_UTIL	28	5

CONFIRMATION NO. 3768

CORRECTED FILING RECEIPT



OC00000043771862

59830  
TED SABETY, c/o Sabety +associates, PLLC  
1130 Bedford Rd.  
PLEASANTVILLE, NY 10570

Date Mailed: 09/30/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Robert Caracciolo, Lancaster, PA;  
Youssef M. Habib, Lancaster, PA;

**Assignment For Published Patent Application**

ILLUMINEX CORPORATION, Lancaster, PA

**Power of Attorney:** The patent practitioners associated with Customer Number 59830

**Domestic Priority data as claimed by applicant**

This application is a CIP of 61/299,749 01/29/2010

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 05/24/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/777,165**

**Projected Publication Date:** 08/04/2011

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Nano-Composite Anode for High Capacity Batteries and Methods of Forming Same

**Preliminary Class**

429

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

WEST & ASSOCIATES, A PC  
1255 Treat Blvd.  
3rd Floor  
WALNUT CREEK CA 94597

**MAILED**

**FEB 18 2011**

**OFFICE OF PETITIONS**

In re Application of:	:	
Mattson et al.	:	
Application No. 12/777183	:	DECISION DISMISSING
Filing or 371(c) Date: 05/10/2010	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
METHOD AND APPARATUS FOR	:	
CONTROLLING DATA	:	
COMMUNICATION SESSIONS	:	

This Decision is in response to the "Non-Signing Inventor Petition Under 37 C.F.R. 1.47(a)," filed November 24, 2010, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under [insert the applicable code section]"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

**Background**

The above-identified application was filed on May 10, 2010, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application, on May 25, 2010, requiring *inter alia*, a properly signed oath or declaration.

**The present petition**

Applicant files the present petition wherein Applicant asserts that the nonsigning inventor has been unresponsive to requests for his signature on an oath or declaration. In support of this assertion, Applicant states that a declaration and power of attorney and assignment for the present application were sent to the non-signing inventor at his email address, his last known

home address and his last known office address on several occasions. No response has been received from the nonsigning inventor.

#### Applicable Law, Rules and MPEP

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) set forth above.

As to item (1), the MPEP provides:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration.

MPEP 409.03(d).

#### Analysis

Applicant has not presented evidence that a copy of the application papers were sent to the last known address of the non-signing inventor. Applicant must present a copy of the application papers to the nonsigning inventor. Applicant is cautioned that receipt of an application via email transmission must be demonstrated by Applicant before a petition may be granted. While receipt of an email may be confirmed by the sender, receipt of an email attachment may not be confirmed by the sender. Absent an express refusal to join in the application, Applicant must present a copy of the application papers to the nonsigning inventor. The MPEP provides

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be

made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

MPEP 409.03(d).

In this instance, Applicant provides that the inventor was presented with a copy of the declaration and power of attorney and assignment only. Applicant must mail the application (specification, claims and drawings), to the last known address of the inventors. That address should be the last known address at which the inventors customarily receive mail. See MPEP § 605.03. Ordinarily, the last known address will be the last known residence of the nonsigning inventor.

#### Conclusion

Applicant must present a copy of the application to the nonsigning inventor before a refusal to join in the application may be alleged.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

By FAX: (571) 273-8300  
Attn: Office of Petitions

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

WEST & ASSOCIATES, A PC  
1255 Treat Blvd., 3rd Floor  
WALNUT CREEK CA 94597

**MAILED**

**MAY 13 2011**

**OFFICE OF PETITIONS**

In re Application of:	:	
Mattson et al.	:	
Application No. 12/777183	:	DECISION GRANTING
Filing or 371(c) Date: 05/10/2010	:	PETITION UNDER
Title of Invention:	:	37 CFR 1.47(a)
METHOD AND APPARATUS FOR	:	
CONTROLLING DATA	:	
COMMUNICATION SESSIONS	:	

This Decision is in response to the "Request for Reconsideration of Petition Under 37 C.F.R. 1.47(A)," filed April 22, 2011 to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s). The renewed petition is properly treated under 37 CFR 1.47(a).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Geoffrey A. Mattson, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center Art Unit 2472 for examination in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MR. GEOFFREY MATTSON  
530 MANSION COURT  
APARTMENT 309  
SANTA CLARA, CA 95054

**MAILED**

**MAY 13 2011**

**OFFICE OF PETITIONS**

In re Application of: :  
Mattson et al. :  
Application No. 12/777183 : **LETTER**  
Filing or 371(c) Date: 05/10/2010 :  
Title of Invention: :  
METHOD AND APPARATUS FOR :  
CONTROLLING DATA :  
COMMUNICATION SESSIONS :

Dear Mr. Mattson:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions

CC: WEST & ASSOCIATES, A PC  
1255 Treat Blvd., 3rd Floor  
WALNUT CREEK CA 94597



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,189	05/10/2010	Harvey Snow	65220/H713	3819

23363 7590 06/01/2011  
CHRISTIE, PARKER & HALE, LLP  
PO BOX 7068  
PASADENA, CA 91109-7068

EXAMINER
----------

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
----------	--------------

2165

MAIL DATE	DELIVERY MODE
-----------	---------------

06/01/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Josephine E. Chang  
CHRISTIE, PARKER & HALE, LLP  
P.O. Box 7068  
Pasadena, CA 91109-7068

In re Application of:  
Harvey SNOW, et al.  
Application No. 12/777,189  
Filed: May 10, 2010  
For: SYSTEM AND METHOD FOR  
PROVIDING AUTOMATED  
ELECTRONIC INFORMATION BACKUP,  
STORAGE AND RECOVERY

**DECISION ON REQUEST  
UNDER 37 C.F.R. § 1.84(b)(1)  
TO ACCEPT PHOTOGRAPH  
DRAWINGS**

This is a decision on the request for acceptance of photograph drawings, filed on 20 July 2010, under 37 C.F.R. § 1.84(b)(1).

The request states that the photographs are the only practical medium for depicting the graphical user interfaces of Figs. 4C-4G as line drawings depicting the graphical user interfaces would be overly complicated and confusing; thus, the photograph drawings of Figs. 4C-4G should be accepted in lieu of black and white drawing.

The request is **GRANTED**.

/Vincent N. Trans/  
Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture and Software  
(571) 272-3613



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**FARIBA SIRJANI**  
**925 DELWARE AVENUE, APT. 9C**  
**BUFFALO, NY 14209**

**MAILED**  
**MAR 14 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Michael Herzig et al.  
Application No. 12/777,224  
Filed: May 10, 2010  
Attorney Docket No. LOCUS-003

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 2, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Fariba Sirjani. Fariba Sirjani have been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **MEREDITH & KEYHANI, PLLC**  
**330 MADISON AVE.**  
**6TH FLOOR**  
**NEW YORK NY 100171**



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/777,229	Filing date:	5/10/2010
First Named Inventor:	Jonsson		
Title of the Invention:	Modular Networked Light Bulb		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFSS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/53625

**The international filing date of the corresponding PCT application(s) is/are:**

10/21/2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/777,229
First Named Inventor:	Jonsson

- 9

Is attached

- ☒

Has already been filed in the above-identified U.S. application on 08/19/2011

- 1

Are attached.

- ☒

Have already been filed in the above-identified U.S. application on 08/19/2011

[illegible]

Signature <u>/Bruce A. Young/</u>	Date <u>8/23/2011</u>
Name (Print/Typed) <u>Bruce A. Young</u>	Registration Number <u>45656</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,229	05/10/2010	Karl S. Jonsson	GWRPID-006	3909
93652	7590	11/15/2011		
GreenWave Realty Inc 39 Parker Suite 100 Irvine, IA 92618			EXAMINER RUTLAND WALLIS, MICHAEL	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 11/15/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**GreenWave Realty Inc**  
**39 Parker**  
**Suite 100**  
**Irvine IA 92618**

NOV 15 2011

**In re Application of**  
**JONSSON et al.**  
**Application No.: 12/777,229**  
**Filed: 10 May 2010**  
**Attorney Docket No.: GWRPID-006**  
**For: POWER NODE FOR ENERGY**  
**MANAGEMENT**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 23 August 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**FARIBA SIRJANI**  
**925 DELWARE AVENUE, APT. 9C**  
**BUFFALO, NY 14209**

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of  
Shawn Kerrigan, et al.  
Application No. 12/777,235  
Filed: May 10, 2010  
Attorney Docket No. LOCUS-002

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 2, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Fariba Sirjani. Fariba Sirjani have been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **MEREDITH & KEYHANI, PLLC**  
**330 MADISON AVE.**  
**6TH FLOOR**  
**NEW YORK NY 10017**



UNITED STATES PATENT AND TRADEMARK OFFICE

Director of IP  
5521 Hellyer Avenue  
San Jose CA 95138

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

MAILED

AUG 24 2011

OFFICE OF PETITIONS

In re Application of  
Van Duren et al.  
Application No.12/777,241  
Filed: May 10, 2010  
Attorney Docket No. NSL-0193

:  
:  
:  
:  
:

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application which was mailed on May 25, 2010. The Notice to File Missing Parts set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on July 26, 2010. A Notice of Abandonment was mailed on February 10, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the declaration, surcharge and filing fees (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,175 extension of time fee submitted with the petition on July 15, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant  
Petitions Attorney  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**PERKINS COIE LLP  
P.O. BOX 1208  
SEATTLE WA 98111-1208**

**MAILED**

**JUN 07 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
David M. Williams	:	
Application No. 12/777,249	:	DECISION ON PETITION
Filed: May 10, 2010	:	
Attorney Docket No. 57429-8005.US02	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed May 25, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 26, 2010. A Notice of Abandonment was mailed February 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and declaration, \$65 surcharge fee, \$82 basic filing fee, \$110 examination fee, \$270 search fee, excess claim fee of \$1,664, \$220, excess independent claim fee, and \$135 additional pages fee, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the fees and oath and declaration are accepted as being unintentionally delayed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received May 13, 2011.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: William F. Ahmann  
Sheppard, Mulin, Richter & Hampton, LLP  
390 Lytton Avenue  
Palo Alto, CA 94301

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12777331	
Filing Date	11-May-2010	
First Named Inventor	Joseph Iannicelli	
Art Unit	1731	
Examiner Name	PRITESH DARJI	
Attorney Docket Number	001025.00013	
Title	Method And Composition For Sorbing Toxic Substances	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		22907 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Joseph Iannicelli	
Address	J.I. Enterprises, Inc. 3963 Darien Highway	
City	Brunswick	
State	GA	
Postal Code	31525	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Paul M. Rivard/
Name	Paul M. Rivard
Registration Number	43446



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 14,2011

In re Application of :

Joseph Iannicelli

Application No : 12777331

Filed : 11-May-2010

Attorney Docket No : 001025.00013

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 14,2011

The request is **APPROVED**.

The request was signed by Paul M. Rivard (registration no. 43446 ) on behalf of all attorneys/agents associated with Customer Number 22907 . All attorneys/agents associated with Customer Number 22907 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Joseph Iannicelli  
Name2  
Address 1 J.I. Enterprises, Inc.  
Address 2 3963 Darien Highway  
City Brunswick  
State GA  
Postal Code 31525  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Roger A. Davenport  
3111 NE 51 Street  
Unit 202  
Fort Lauderdale FL 33308

MAILED AUG 30 2010

In re Application of: Davenport et al.  
Application No.: 12/777334  
Filed: May 11, 2010  
Title: GOLF FREE SWING ANALYSIS  
APPARATUS AND METHOD

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

This is a decision on the petition filed on May 11, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, 6.1, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, 5.2, 6.2, 6.3, 6.4 and 6.5 above.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to “the petition” hereinbelow, the received papers under consideration include the PTO/SB/28 form, the “pre-examination search document” including pages 1-4; the “accelerated examination support document” comprising pages 1-32, and an Information Disclosure Statement including form PTO/SB/08A.

Initially, it is noted that the petition fee of \$130 has not been submitted. The petition can not be granted unless the fee is submitted.

The Pre-Examination Search Document and Accelerated Examination Support Document are not signed. They must be signed by both inventors.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 473, subclasses 131, 150-154, 199, 219-223, 266, 342, 409; class 463 subclasses 3, 36-39; class 434, subclass 252; class 273, subclass 108.2 class 702, subclass 41.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat “the independent claims”, nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on [www.uspto.gov/web/patents/accelerated/](http://www.uspto.gov/web/patents/accelerated/) in “Guidelines for Applicants under the new accelerated examination procedures”):

*For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and*



*should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

In the instant petition, petitioner does not address each limitation of the claims and where it is (or state that it is not) found in each closest prior art. The exact limitations of the claims are not discussed. All limitations including all limitations of the dependent claims must be addressed. General statements of the reference that do not correspond to the claims are not sufficient. By not addressing all limitations, it is not clear whether a limitation was overlooked in the discussion of the reference or not found in the reference.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, the patentability must be discussed relative to what the entire reference does not show, not just some of the claims. The specific limitation of applicant's claims not shown by the references must be identified. The grouping of independent claims does not show patentability of each claim over each reference. Also, the grouping of dependent claims does not show patentability of each claim over each reference. This grouping of claims leads to many claims not being discussed explicitly, especially the dependent claims. A statement that the dependent claims are allowable because the independent claims are patentable is not sufficient. This does not provide guidance to the examiner as to whether the limitations could provide patentability should the examiner find the independent claims unpatentable.

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each

means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists. In the instant petition, petitioner has not identified each means plus function claim element and the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph.

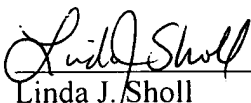
### DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.



Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAILED OCT 04 2010

Roger A. Davenport  
3111 NE 51 Street  
Unit 202  
Fort Lauderdale FL 33308

In re Application of: Davenport et al.  
Application No.: 12/777334  
Filed: May 11, 2010  
Title: GOLF FREE SWING ANALYSIS  
APPARATUS AND METHOD

:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the renewed petition filed on September 27, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

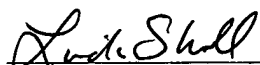
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



---

Linda Sholl, Special Programs Examiner  
Technology Center 3700



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,336	05/11/2010	Yasuhiro OKAMOTO	P/3541-273	4160

2352 7590 01/26/2011  
OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

3734

MAIL DATE	DELIVERY MODE
-----------	---------------

01/26/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-8403

In re Application of	:	
OKAMOTO, YASUHIRO et al	:	DECISION ON REQUEST TO
Application No. 12/777,336	:	PARTICIPATE IN PATENT
Filed: May 11, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. P/3541/273	:	PROGRAM AND PETITION
For: MDICAL SYSTEM	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 25, 2011, to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #3

The request to participate in the PPH pilot program and petition fail to file a claim amendment (not proposed amendment) to show US pending claims correspond with the JPO allowed claims 1-5. Currently, this application contains only claims 1-4 as filed on August 4, 2010.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

---

Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,336	05/11/2010	Yasuhiro OKAMOTO	P/3541-273	4160

2352 7590 02/22/2011  
OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

EXAMINER
----------

ART UNIT	PAPER NUMBER
3734	

MAIL DATE	DELIVERY MODE
02/22/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-8403

In re Application of	:	
OKAMOTO, YASUHIRO et al	:	DECISION ON REQUEST TO
Application No. 12/777,336	:	PARTICIPATE IN PATENT
Filed: May 11, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. P/3541/273	:	PROGRAM AND PETITION
For: MDICAL SYSTEM	:	37 CFR 1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 25, 2011, to make the above-identified application special.

The request and petition are dismissed.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition met all conditions except Item #3

The request to participate in the PPH pilot program and petition does not show JPO allowed claims 1-5 correspond with the current pending claims 1-6. Currently, this application contains claims 1-6 as filed on Feb. 17, 2011. The newly added independent claim 6 was not examined by the JPO examiner. In order to grant the PPH Request in this case, it is suggested that the applicant cancel the newly added independent claim 6.

To clear the record, during a telephone conversation prior to the filing of the preliminary amendment of Feb. 17, 2011, the undersigned indicated that the "proposed" amendment filed with the PPH Request on Jan. 25, 2011 was not acceptable and creates confusion. In view of the formal preliminary amendment adding claims 5- 6 filed on Feb. 17, 2011, a comparison of the claim chart filed on Jan. 25, 2011 does not show the newly added claim 6 contains the same scope as the allowed independent claim 1 by JPO examiner. It must be noted that the independent claim 6 with means plus function language in US patent practice under 35 USC 6<sup>th</sup> Paragraph involves all equivalent structures as disclosed in the supporting specification. Therefore, it can not be said the newly added independent claim 6 contains a similar scope with the JPO allowed independent claim 1. Any miscommunication during the telephone conversation is regretted.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action on the merits for claims filed on Feb. 17, 2011 in its regular turn.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

/Henry C. Yuen/

---

Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,337	05/11/2010	Yafeng ZHANG	0714295US	4161
EXAMINER				
ART UNIT PAPER NUMBER				
2447				
NOTIFICATION DATE DELIVERY MODE				
08/31/2010 ELECTRONIC				

7590 08/31/2010  
Huawei Technologies Co., Ltd.  
IPR Dept., Building B1-3-A,  
Huawei Industrial Base, Bantian  
Shenzhen Guangdong, 518129  
CHINA

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Nimi Farmer*  
Patent Publication Branch  
Office of Data Management

Rejustment date: 08/27/2010 17:00:00  
08/11/2010 IN.L. 50 00000185 504903 12777337  
02 76:11:11 540.02 67  
14 10:12:01 660.02 67



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,400	05/11/2010	Kazuaki ABE	10061/LH	4271
1933 7590 11/22/2011 HOLTZ, HOLTZ, GOODMAN & CHICK PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			EXAMINER VUONG, QUOCHIE B	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 11/22/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**HOLTZ, HOLTZ, GOODMAN &  
CHICK PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK NY 10001-7708**

**In re Application of  
ABE et al.  
Application No.: 12/777,400  
Filed: 11 May 2010  
Attorney Docket No.: 10061/LH  
For: RADIO WAVE RECEIVER**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 10 November 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

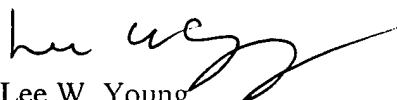
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

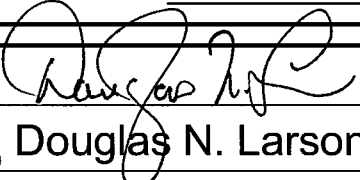
This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2600

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM		
Attorney Docket Number: 32701-016	Application Number (if known): 12/777,409	Filing date: May 11, 2010
First Named Inventor: Brian L. Moffat		
Title: VENTURI BASED OCEAN WAVE ENERGY CONVERSION SYSTEM		
<b>APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.</b>		
This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.		
1. By filing this petition:  <b>Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.</b>		
2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.		
3. This request is accompanied by statements of special status for the eligibility requirement.		
4. The application contains no more than three (3) independent claims and twenty (20) total claims.		
5. The application does not contain any multiple dependent claims.		
6. Other attachments: ATTACHMENT TO PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM		
Signature 	Date 9/2/2011	
Name (Print/Typed) Douglas N. Larson	Registration Number 29,401	
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.		
<input checked="" type="checkbox"/> *Total of 1 forms are submitted.		

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Applicant: **Brian L. Moffat**  
Serial No.: 12/777,409  
Filed: May 11, 2010  
Title: VENTURI BASED OCEAN  
WAVE ENERGY  
CONVERSION SYSTEM  
Examiner: DENION, THOMAS E.  
Group Art Unit: 3748

Confirmation No. 4290

**In The United States Patent and Trademark Office**

Commissioner for Patents  
EFS-Web  
*Petition for Green Tech Pilot*

**ATTACHMENT TO PETITION TO MAKE SPECIAL UNDER THE GREEN  
TECHNOLOGY PILOT PROGRAM**

Sir:

Applicant respectfully requests expedited examination based on the Petition to Make Special under the Green Technology Pilot Program, introduced in the Federal Register on December 8, 2009, and extended in the Federal Register on November 10, 2010.

**Eligibility Requirements**

*Applications Pertaining to Energy Conservation, Development of Renewable Energy Resources, or Greenhouse Gas Emission Reduction:* Special status is sought because the application is for an invention that materially contributes to the discovery or

development of renewable energy resources and/or to the more efficient utilization and conservation of energy resources.

Applicant hereby certifies that:

1. The application contains three or fewer independent claims and twenty or fewer total claims, following the filing of the Preliminary Amendment herewith. Additionally, the application does not contain any multiple dependent claims.

2. The claims are directed to a single invention that materially contributes to the discovery or development of renewable energy resources and/or to the more efficient utilization and conservation of energy resources.

In particular, an apparatus is disclosed having a flotation device and a venturi device connected to the flotation device. The venturi device has a venturi channel, and the venturi channel has at least one mouth and a constricted region.

Independent claim 17 also includes (a) a cross-sectional area of the constricted region relative to the cross-sectional area of one of the at least one mouth causing water flowing through the constricted region to have a speed that is more than two times the speed of water entering the one of the at least one mouth; and (b) means operatively associated with the constricted region for generation of motion.

Independent claim 28 also includes (a) the venturi channel being configured to cause water flowing through the constricted region to have a speed equal to the lesser of the choke speed of the water flowing through the venturi channel or at least three-and-a-half times the speed of water entering the one of the at least one mouth; and (b) converting means for converting the kinetic energy of, and/or the partial vacuum created by, the accelerated water passing through the constricted region into an alternate form of power.

Application No.: 12/777,409  
Green Petition dated: September 2, 2011  
Atty. Ref.: 32701-016

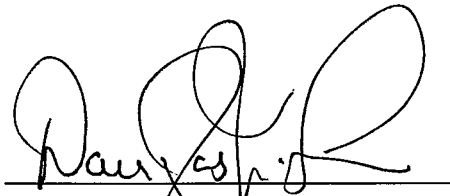
Independent claim 34 also includes (a) the cross-sectional area of the constricted region being less than 29% of the cross-sectional area of the one of the at least one mouth; and (b) converting means for converting the kinetic energy of, and/or the partial vacuum created by, the accelerated water passing through the constricted region into an alternate form of power.

3. Applicant agrees to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner.

4. No Office Action, including an Office Action containing only a restriction requirement, has been issued.

The Director is hereby authorized to charge any fees which may be required to Deposit Account No. 50-5329.

Respectfully submitted,



Douglas N. Larson  
Registration No. 29,401

Dated: September 2, 2011

**HENRICKS, SLAVIN & HOLMES LLP**  
840 Apollo Street, Suite 200  
El Segundo, CA 90245-4737  
310-563-1836 (direct)  
310-563-1460 (fax)  
Email: [dlarson@hsh-iplaw.com](mailto:dlarson@hsh-iplaw.com)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CONNOLLY BOVE LODGE & HUTZ LLP  
P.O. BOX 2207  
WILMINGTON DE 19899

**MAILED**

SEP 08 2011

**OFFICE OF PETITIONS**

In re Application of  
Moffat  
Application No. 12/777,409  
Filed: May 11, 2010  
Attorney Docket No. 70426-00004

:  
:  
: DECISION ON PETITION  
: UNDER 37 CFR 1.78(a)(6)  
:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed August 26, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Application No. 12/389,928, an application in the benefit chain, was filed on February 20, 2009, within twelve months of the filing date of the prior-filed provisional application, Application No. 61/066,702, which was filed on February 22, 2008, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e)

after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and either an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement with respect to newly claimed Application No. 61/066,702, are required.

The Office acknowledges receipt of the \$1,410.00 fee required by 37 CFR 1.78(a)(6)(ii) .

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney documents must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	EFS-Web <a href="http://www.uspto.gov/ebs/efs_help.html">www.uspto.gov/ebs/efs_help.html</a> (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive, flowing style.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

CC: DOUGLAS N. LARSON  
HENRICKS, SLAVIN & HOLMES LLP  
840 APOLLO STREET, SUITE 200  
EL SEGUNDO, CA 90245-4737



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,409	05/11/2010	Brian L. Moffat	70426-00004	4290
58688 7590 09/13/2011 CONNOLLY BOVE LODGE & HUTZ LLP P.O. BOX 2207 WILMINGTON, DE 19899			EXAMINER DENION, THOMAS E	
			ART UNIT 3748	PAPER NUMBER
			MAIL DATE 09/13/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



CONNOLLY BOVE LODGE & HUTZ LLP  
P.O. BOX 2207  
WILMINGTON DE 19899

In re Application of  
MOFFAT, BRIAN L.  
Application No. 12/777,409  
Filed: May 11, 2010  
Attorney Docket No. 70426-00004

:

:

:

:

:

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Sep. 2, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by



a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

In regard to item 8, petitioner should note that since no request in compliance with 37 CFR 1.219 has been made for the early publication of the present application and the publication fee \$300.00 as set forth in 37 CFR 1.18(d) has not been received, the petition is dismissed.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. This application will be forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700

Applicant: **Brian L. Moffat**  
Serial No.: 12/777,409  
Filed: May 11, 2010  
Title: VENTURI BASED OCEAN  
WAVE ENERGY  
CONVERSION SYSTEM  
Examiner: DENION, THOMAS E.  
Group Art Unit: 3748

Confirmation No. 4290

**In The United States Patent and Trademark Office**

Commissioner for Patents  
EFS-Web  
*Petition for Green Tech Pilot*

**PETITION FOR RECONSIDERATION OF DECISION ON PETITION TO MAKE  
SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

Applicant filed a Petition to Make Special under the Green Technology Pilot Program on September 2, 2011 in the above-captioned application. In this Petition, Applicant, *inter alia*, included (a) (in the first numbered paragraph of the petition paper) the following: "Applicant is requesting early publication. Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request" and (b) (in the last paragraph of the Petition Attachment Paper) "an authorization to charge any fees which may be required to Deposit Account No. 50-5329."

Application No.: 12/777,409  
Petition for Reconsideration dated: September 23, 2011  
Atty. Ref.: 32701-016

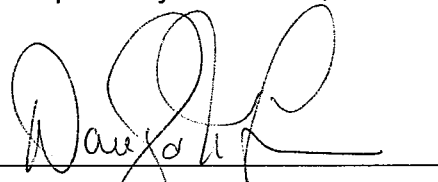
A DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM issued on September 13, 2011 in response to and dismissing Applicant's petition. The Decision was issued by TC 3700 Quality Assurance Specialist Henry C. Yuen. In the Decision Mr. Yuen stated that Applicant's petition must be "accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee set forth in 37 CFR 1.18(d)."

Applicant's below-signed counsel conducted a telephone interview on September 22, 2011 with Mr. Yuen. Counsel thanks Mr. Yuen for the courtesies extended to him during that interview. Mr. Yuen said that in view of the September 2, 2011 petition (in which early publication was requested) all that was required for the Petition to be granted was the payment of \$300.00 together with the filing of a reconsideration paper.

Thus, the filing of this reconsideration paper includes a charge of \$300.00 to Counsel's credit card. Additionally, the Director is hereby authorized to charge any additional fees which may be required to Deposit Account No. 50-5329.

Accordingly, reconsideration and withdrawal of the Decision and granting of Applicant's Petition at an early date are in order and respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas N. Larson", written over a horizontal line.

Douglas N. Larson  
Registration No. 29,401

Dated: September 23, 2011

**HENRICKS, SLAVIN & HOLMES LLP**  
840 Apollo Street, Suite 200  
El Segundo, CA 90245-4737  
310-563-1836 (direct)  
310-563-1460 (fax)  
Email: [dlarson@hsh-iplaw.com](mailto:dlarson@hsh-iplaw.com)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CONNOLLY BOVE LODGE & HUTZ LLP  
P.O. BOX 2207  
WILMINGTON DE 19899

**MAILED**

**SEP 22 2011**

**OFFICE OF PETITIONS**

In re Application of	:
Moffat	:
Application No. 12/777,409	: DECISION ON PETITION
Filed: May 11, 2010	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 70426-00004	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed September 14, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Application No. 12/389,928, an application in the benefit chain, was filed on February 20, 2009, within twelve months of the filing date of the prior-filed provisional application, Application No. 61/066,702, which was filed on February 22, 2008, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to

the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3748 for consideration of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

A handwritten signature in black ink, reading "Shirene Willis Brantley". The signature is written in a cursive, flowing style.

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/777,409	05/11/2010	3748	462	70426-00004	16	1

**CONFIRMATION NO. 4290**

## CORRECTED FILING RECEIPT



OC000000049952275

58688  
CONNOLLY BOVE LODGE & HUTZ LLP  
P.O. BOX 2207  
WILMINGTON, DE 19899

Date Mailed: 09/21/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

Brian L. Moffat, Simi Valley, CA;

**Power of Attorney:** The patent practitioners associated with Customer Number 58688

### Domestic Priority data as claimed by applicant

This application is a CIP of 12/389,928 02/20/2009  
which claims benefit of 61/066,702 02/22/2008  
This application 12/777,409  
claims benefit of 61/278,327 10/05/2009

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 05/19/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/777,409**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

VENTURI BASED OCEAN WAVE ENERGY CONVERSION SYSTEM

**Preliminary Class**

060

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,409	05/11/2010	Brian L. Moffat	70426-00004	4290

58688 7590 10/13/2011  
CONNOLLY BOVE LODGE & HUTZ LLP  
P.O. BOX 2207  
WILMINGTON, DE 19899

EXAMINER
----------

DENION, THOMAS E

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
10/13/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CONNOLLY BOVE LODGE & HUTZ LLP  
P.O. BOX 2207  
WILMINGTON DE 19899

In re Application of  
MOFFAT, BRIAN L.  
Application No. 12/777,409  
Filed: May 11, 2010  
Attorney Docket No. 70426-00004

:  
:  
:  
:  
:  
DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Sep. 23, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii)

greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d). The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON MA 02205

MAILED AUG 30 2010

In re Application of: Loftin et al	:	DECISION ON PETITION TO
Application No.: 12/777,444	:	MAKE SPECIAL FOR NEW
Filed: May 11, 2010	:	APPLICATION UNDER 37
Title: DISPLAY SYSTEM, DISPENSING DEVICE	:	C.F.R. § 1.102 & M.P.E.P. §
AND PACKAGE FOR USE THEREIN	:	708.02

This is a decision on the petition filed on May 11, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I: 1-4, II: 1, 3-5, 6, 6.1, and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 2, 5.1, 5.2, 5.3, 6.2, 6.3, 6.4, and 6.5 above.

Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-4; the "accelerated examination support document" comprising pages 1-15, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 2, petitioner did not include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 225, subclasses 1, 34, 39, 46, and 48.

Regarding the requirements of section II element 6.2 outlined above, the petition fails to identify all of the limitations in the application claims that are disclosed in each of the reference(s) and where the limitation is disclosed in each of the cited reference. As stated in the policy published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), for each reference cited, the examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. The policy statement does not caveat "the independent claims", nor does it allow for grouping and general discussions. A grantable petition must delineate every limitation of every claim and identify where the equivalent limitation is disclosed in each piece of prior art cited on the IDS. As is published on [www.uspto.gov/web/patents/accelerated/](http://www.uspto.gov/web/patents/accelerated/) in "Guidelines for Applicants under the new accelerated examination procedures"):

*For each reference cited, the accelerated examination support document must include an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference. Applicants should specify where in each of the cited references the particular claim limitations are found. This process is intended to be analogous to the analysis an examiner uses when locating a relevant prior art reference and then determining whether the reference contains the claimed limitation. For each claimed limitation, the examiner would consider the disclosure of the reference and all reasonable portions in the reference where the limitation is shown. When preparing an Office Action, the examiner would correlate the limitation to the portion of reference which best characterizes the limitation. This part of the AESD is not intended to be an exhaustive listing of every conceivable subjective interpretation of how a claim limitation may read on the reference. Applicants should point out what are considered to be the relevant representations of the limitation in the reference. A limitation may be found in more than one portion of the reference and should be pointed out, yet the intention is not to have applicants point out every conceivable interpretation. The USPTO will adopt a rule of reason when evaluating this portion of the AESD. Unless the representation is so deficient that it would materially*

*effect examination of the application (e.g., numerous instances where the limitations are not shown where applicant states they are), the representation will be deemed to be sufficient for this part of the AESD.*

In the instant petition, petitioner does not address each limitation of the claims and where it is (or state that it is not) found in each closest prior art. The discussion of the limitations of the reference does not meet the requirement of identifying the limitations of the claims in each reference. It is not clear how limitations of the reference compare with the limitations of the claims. By not addressing all claim limitations, it is not clear whether a limitation was overlooked in the discussion of the reference or not found in the reference.

Additionally, every reference found in the IDS is not discussed. If applicant wishes to cite references that are not required in an AESD for the examiner to consider, applicant may submit such references in a separate IDS in compliance with 37 CFR §1.97 and §1.98. Applicant should clearly identify the IDS of the AESD that is in support of the petition to make special and, similarly, applicant should clearly identify the separate IDS that is not in support of the petition. Consistent with 37 CFR §10.18, any reference submitted in a separate IDS that is not part of an AESD will be treated as a representation by applicant to the USPTO that no reference submitted in the separate IDS is deemed closer to the subject matter of at least one claim than the references provided in the AESD.

Similarly, with respect to the requirements of section II element 6.3 outlined above, the petition fails to provide a detailed explanation of how each of the claims are patentable over (each of) the reference(s) with particularity required by 37 CFR 1.111(b) and (c). Petitioners should be specific in their explanation and include the identification of specific claim limitations that support their position, where appropriate. Petitioners must distinguish each claim from each piece of prior art cited. General statements that the claims are neither anticipated nor rendered obvious by the cited references or that the references are not properly combinable will not be acceptable. The Office cannot infer or guess what petitioner believes the differences between the claims and the teachings of the prior art to be. Petitioner's statements must also be consistent and must be related to the claim language. In the instant petition, the summary for the detailed explanation of patentability does not include a separate explanation of patentability for all claims. For example, claims 3-6 are not mentioned. Applicant should note that a statement that the dependent claims are allowable because the independent claims are patentable is not sufficient. This does not provide guidance to the examiner as to whether the limitations could provide patentability should the examiner find the independent claims unpatentable.

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means-

(or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists. In the instant petition, support is not shown by each limitation of the claims. It is not sufficient to indicate the support by whole claims. Also, support under 35 USC 112 first paragraph for priority document 61/263767 has not been provided as required. If a particular priority document does not disclose a limitation, it should be stated as such.

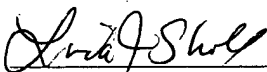
### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.



Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAILED OCT 04 2010

EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON MA 02205

In re Application of: Loftin et al.	:	
Application No.: 12/777444	:	DECISION ON PETITION TO
Filed: May 11, 2010	:	MAKE SPECIAL FOR NEW
Title: DISPLAY SYSTEM, DISPENSING DEVICE	:	APPLICATION UNDER 37
AND PACKAGE FOR USE THEREIN	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02

This is a decision on the renewed petition filed on September 29, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

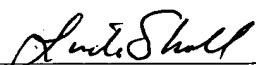
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



---

Linda Sholl, Special Programs Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**ZARLEY LAW FIRM P.L.C.  
CAPITAL SQUARE  
400 LOCUST, SUITE 200  
DES MOINES IA 50309-2350**

**MAILED**  
**JAN 18 2012**  
**OFFICE OF PETITIONS**

Applicant: Krishnan Narayanan et al  
Appl. No.: 12/777,445  
Filing Date: May 11, 2010  
Title: METHOD OF SURGE PROTECTION FOR A DYNAMIC COMPRESSOR USING A  
SURGE PARAMETER  
Attorney Docket: P07282USO  
Pub. No.: US 20110280738A1  
Pub. Date: November 17, 2011

This is a decision on the request for a corrected patent application publication under  
37 CFR 1.221(b), received on December 1, 2011, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent  
issues before the application is republished.

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Albrect Gass et al.	:	
Application No. 12/777,461	:	DECISION ON PETITION
Filed: May 11, 2010	:	TO WITHDRAW
Attorney Docket No. 2009077-0002 (SST-004)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 12, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

**MAILED**

**AUG 16 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Amy PATITUCCI :  
Application No. 12/777,469 :  
Filed: July 13, 2007 :  
Attorney Docket No. 2001P08346US02 :

**NOTICE**


This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

  
Thurman K. Page  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

In re Application of  
Albrecht GASS, et al  
Application No. 12/777,469  
Filed: May 11, 2010  
Attorney Docket No. 2009077-0003 (SST-003)

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 12, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Brenda Herschbach Jarrell does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110**

**MAILED**

**DEC 06 2010**

**OFFICE OF PETITIONS**

In re Application of

Albrect Gass et al.

Application No. 12/777,473

Filed: May 11, 2010

Attorney Docket No. 2009077-0002 (SST-004)

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 12, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No.

Blake, Cassels & Graydon LLP  
199 BAY STREET , SUITE 2800  
COMMERCE COURT WEST  
TORONTO ON M5L 1A9  
CANADA

**MAILED**

**JAN 04 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Michael Hung and Robert Kline : DECISION NOTING JOINDER  
Application No. 12/777,546 : OF INVENTOR AND PETITION  
Filed: May 11, 2010 : UNDER 37 CFR 1.47(b) MOOT  
Atty Docket No. 70314/00241 :

This is in response to the "PETITION UNDER 37 C.F.R. §1.47(b)<sup>1</sup>" filed (Monday) September 27, 2010. This decision is made in light of the declaration for patent filed December 17, 2010.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on May 11, 2010, without an executed oath or declaration but with an application data sheet identifying the inventors by name and address. Accordingly, the Office mailed a Notice to File Missing Parts of Application, requiring submission of an executed declaration and late surcharge (and missing fees). In response to the Notice to File Missing Parts of Application mailed May 25, 2010, applicant filed this petition (late surcharge and missing fees), made timely by an accompanying petition for extension of time within

<sup>1</sup> Applicant is reminded that 37 CFR 1.47(b) is only appropriate if no inventors are available to join in the application. Since inventor Hung has signed the declaration, filing a declaration executed by the assignee on behalf of the non-signing inventor is inappropriate. The rules require that all available inventors make application on behalf of the non-signing inventor. If no inventors are available, only then can the assignee make application on behalf of a non-signing inventor. Thus, if this petition were not moot, it would be dismissed for failure to submit a declaration executed by the available (signing) inventor on behalf of himself and on behalf of the non-signing inventor.

the second month. (Filing of this petition was necessary to avoid abandonment of the application. The fee for the petition is being charged to the Deposit Account, as authorized).

Prior to a decision being issued on this petition, on December 17, 2010, applicant submitted a declaration for patent executed by joint inventor Kline.

The declaration filed December 17, 2010 has been reviewed and found in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(b) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(b) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(b).

This application will be examined in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

INTEL CORPORATION  
C/O CPA GLOBAL  
P.O. BOX 52050  
MINNEAPOLIS, MN 55402

**MAILED**  
**SEP 02 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Nachiket Raravikar, et al. :  
Application No. 12/777,577 : DECISION GRANTING PETITION  
Filed: May 11, 2010 : UNDER 37 CFR 1.313(c)(2)  
Attorney Docket No. P23389D :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 1, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

*Petitioner is advised that the issue fee paid on August 15, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>*

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**  
**FEB 13 2012**  
**OFFICE OF PETITIONS**

**OLIFF & BERRIDGE, PLC**  
**P.O. BOX 320850**  
**ALEXANDRIA VA 22320-4850**

**In re Application of**  
**KAWAKAMI, et al**  
**Application No.: 12/777,668**  
**Filed: May 11, 2010**  
**Attorney Docket No.: 14564**  
**For: SYSTEM FOR STARTING INTERNAL**  
**COMBUSTION ENGINE**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 25, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or

- ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application is being forwarded to Technology Center Art Unit 3747 for action on the merits commensurate with this decision.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 81205394

Application Number  
(if known): 12777678

Filing date: May 11, 2010

First Named  
Inventor: Thomas Alan Wagner

Title: FUEL STACK THAT PROMOTES GENERALLY UNIFORM FLOW THEREIN

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Benjamin C. Stasa/

Date 2011-03-08

Name  
(Print/Typed) Benjamin C. Stasa

Registration Number 55644

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

THOMAS ALAN WAGNER et al.

Serial No.: 12777678

Filed: May 11, 2010

For: FUEL STACK THAT PROMOTES GENERALLY UNIFORM  
FLOW THEREIN

Attorney Docket No.: 81205394

Group Art Unit: 1727

Examiner: Unknown

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the “Green Technology Pilot Program” as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

Applicant respectfully submits that it is clear on the above-identified application’s face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions, hence no additional statement explaining how the materiality standard is met is being submitted at this time.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**THOMAS ALAN WAGNER et al.**

By: /Benjamin C. Stasa/

Benjamin C. Stasa

Reg. No. 55644

Attorney for Applicant

Date: March 8, 2011

BROOKS KUSHMAN P.C.  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,678	05/11/2010	Thomas Alan Wagner	81205394	4841
28395 7590 03/28/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER ROE, CLAIRE L	
			ART UNIT 1727	PAPER NUMBER
			MAIL DATE 03/28/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

3/28/2011

In re Application of	:	
Wagner-et al.	:	DECISION ON PETITION
Application No. 12/777,678	:	TO MAKE SPECIAL UNDER
Filed: 5/11/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81205394	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/9/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1727 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,707	Confirmation Number	4900	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-450	Art Unit	1638	Examiner	Stuart Baum
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR S090250				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777707

Filed: May 11, 2010

Attorney Docket No. 1421-450

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12777707	
Filing Date	11-May-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	STUART BAUM	
Attorney Docket Number	1421-450	
Title	Soybean Cultivar S090250	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : December 29, 2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

William Eby

ATTORNEY/AGENT OF RECORD

Application No : 12777707

Filed : 11-May-2010

Attorney Docket No : 1421-450

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed December 29, 2011

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,707	05/11/2010	William H. Eby	1421-450	4900
26263 7590 01/09/2012 SNR DENTON US LLP P.O. BOX 061080 CHICAGO, IL 60606-1080			EXAMINER BAUM, STUART F	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 01/09/2012	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

SNR DENTON US LLP  
P.O. BOX 061080  
CHICAGO, IL 60606-1080

In re Application of: :  
William H. Eby :  
Serial No.: 12/777,707 : PETITION DECISION  
Filed: May 11, 2010 :  
Attorney Docket No.: 1421-450

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 20, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

Paper No.: \_\_\_\_\_

DATE : **05/20/11**

TO SPE OF : ART UNIT: **2618** Attn: **NGUYEN DUC M (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **12/777721** Patent No.: **7894785**

C of C Mailroom date: **05/10/11**

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**  
**Randolph Square – 9D10-A**  
**Palm Location 7580**

**Tasneem Siddiqui**  
Certificates of Correction Branch  
703-756-1593 or 703-756-1814

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**


Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: NO New matter.

\_\_\_\_\_  
\_\_\_\_\_

  
DUC M. NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

2618  
Art Unit

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,726	Confirmation Number	4947	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-451	Art Unit	1638	Examiner	Stuart Baum
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 90202016				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777726

Filed: May 11, 2010

Attorney Docket No. 1421-451

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12777726	
Filing Date	11-May-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	STUART BAUM	
Attorney Docket Number	1421-451	
Title	Soybean Cultivar 90202016	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : December 29, 2011

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

William Eby

ATTORNEY/AGENT OF RECORD

Application No : 12777726

Filed : 11-May-2010

Attorney Docket No : 1421-451

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed December 29, 2011

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,726	05/11/2010	William H. Eby	1421-451	4947
<div>26263      7590      01/09/2012 SNR DENTON US LLP P.O. BOX 061080 CHICAGO, IL 60606-1080</div>				
			<div>EXAMINER BAUM, STUART F</div>	
			<div>ART UNIT 1638</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 01/09/2012</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JAN 09 2012

SNR DENTON US LLP  
 P.O. BOX 061080  
 CHICAGO, IL 60606-1080

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/777,726 : PETITION DECISION  
 Filed: May 11, 2010 :  
 Attorney Docket No.: 1421-451

This is in response to the petition under 37 CFR § 1.59(b), filed December 20, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 20, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BUCHANAN, INGERSOLL & ROONEY PC**  
**POST OFFICE BOX 1404**  
**ALEXANDRIA VA 22313-1404**

**MAILED**  
**FEB 10 2012**  
**OFFICE OF PETITIONS**

Applicants: Jean-Marc Balloul et al  
Appl. No.: 12/777,731  
Filing Date: May 11, 2010  
Title: IMMORTALIZED AVIAN CELL LINES AND USE THEREOF  
Attorney Docket: 1017753-000287  
Pub. No.: US20110212488 A1  
Pub. Date: September 1, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 31, 2011, for the above-identified application.

The request is **granted**.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Karen Creasy at (571) 272-3208.

/Christopher Bottorff/

Christopher Bottorff  
Petitions Examiner  
Office of Petitions

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,741	Confirmation Number	4988	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-452	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 93397033				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777741

Filed: May 11, 2010

Attorney Docket No. 1421-452

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,741	05/11/2010	William H. Eby	1421-452	4988
32905	7590	11/10/2011		
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			11/10/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 10 2011

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/777,741 : PETITION DECISION  
 Filed: May 11, 2010 :  
 Attorney Docket No.: 1421-452

This is in response to the petition under 37 CFR § 1.59(b), filed October 25, 2009, to expunge information from the above identified application. This application has not been allowed. The delay in acting upon this petition is regretted.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on October 25, 2009, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,741	05/11/2010	William H. Eby	1421-452	4988
32905 7590 02/06/2012 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 02/06/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 06 2012

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,741

Filed: May 11, 2010

Attorney Docket No.: 1421-452

:  
:  
:  
:  
:

PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed January 27, 2012, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on October 25, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 20, 2012

In re Application of :

DECISION ON REQUEST TO WITHDRAW AS

William Eby

ATTORNEY/AGENT OF RECORD

Application No : 12777741

Filed : 11-May-2010

Attorney Docket No : 1421-452

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 20, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12777741	
Filing Date	11-May-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	RUSSELL KALLIS	
Attorney Docket Number	1421-452	
Title	SOYBEAN CULTIVAR 93397033	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY – PATENT  
PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE  
KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO**

Application No.:	12/777,752	First Named Inventor:	Bernard W. Benson
Filing Date:	05/11/2010	Attorney Docket No.:	047177-9468-US00
Title of the Invention:	SYSTEM AND METHOD FOR SANITIZATION		

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EFC/EFS\\_HELP.HTML](http://www.uspto.gov/efc/efs_help.html).

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PILOT PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PILOT PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/US2011/035678

The international filing date of the corresponding PCT application(s) is/are: May 9, 2011

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ is attached.

☐ is not attached because the document is already in the U.S. application.
- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s)**

☒ is attached.

☐ is not attached because the document is already in the U.S. application.
- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**
- d. **(1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☒ is attached.

☐ has already been filed in the above-identified U.S. application on \_\_\_\_\_

**(2) Copies of all documents (except for U.S. patents or U.S. patent application publications)**

☒ are attached.

☐ have already been filed in the above-identified U.S. application on \_\_\_\_\_

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/777,752	First Named Inventor:	Bernard W. Benson
------------------	------------	-----------------------	-------------------

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <u>/natalie k. forster/</u>	Date <u>March 28, 2012</u>
Name (Print/Typed) <u>Natalie K. Forster</u>	Registration Number <u>67,277</u>



## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PCT CLAIMS

What is claimed is:

1. A system for sanitizing products on a conveyor, the system comprising:  
a conveyor for moving products along a direction of conveyance;  
a first generator operable to generate airborne sanitizing agents, the first generator having an outlet configured to discharge at least a portion of the airborne sanitizing agents generated therein across the conveyor in a first direction; and  
a second generator operable to generate airborne sanitizing agents, the second generator having an outlet configured to discharge at least a portion of the airborne sanitizing agents generated therein across the conveyor in a second direction,  
wherein the outlet of the first generator is configured to direct the discharged airborne sanitizing agents toward an inlet of the second generator.
2. The system of claim 1, wherein the first and second directions are substantially parallel and opposite.
3. The system of claim 2, wherein the first and second directions are substantially perpendicular to the conveyance direction.
4. The system of claim 1, wherein the outlet of the first generator is oriented at the inlet of the second generator or incrementally upstream of the inlet of the second generator in the conveyance direction.
5. The system of claim 1, wherein the outlet of the second generator is configured to direct airborne sanitizing agents into an inlet of the first generator for recirculation.
6. The system of claim 1, further comprising a cabinet in which the outlets of both the first and second generators, the inlet of the second generator, and at least a portion of the conveyor are substantially enclosed.
7. The system of claim 1, wherein each of the first and second generators is operable to generate reactive oxygen species (ROS) from ambient air.

8. The system of claim 7, wherein each of the first and second generators is operable to generate and discharge ozone ( $O_3$ ).
9. The system of claim 7, wherein the second generator is rated for producing a gaseous output, from ambient air, with a predetermined ROS concentration, the second generator being operable to produce a gaseous output, from an input including at least a portion of the airborne sanitizing agents from the first generator, with an ROS concentration higher than the rated ROS concentration.
10. The system of claim 1, further comprising a processing device configured to carry out at least one of a cutting operation and a grinding operation on food products conveyed along the conveyor, wherein the processing device is positioned downstream of the outlet of at least one of the first and second generators in the direction of conveyance.
11. A system for sanitizing products on a conveyor, the system comprising:  
a conveyor for moving products along a direction of conveyance;  
a first generator operable to generate airborne sanitizing agents, the first generator having an inlet and an outlet; and  
a second generator operable to generate airborne sanitizing agents, the second generator having an inlet and an outlet,  
wherein the outlet of the first generator is configured to direct at least a portion of the airborne sanitizing agents generated by the first generator toward the inlet of the second generator,  
and wherein the outlet of the second generator is configured to direct at least a portion of the airborne sanitizing agents generated by the second generator across the conveyor toward the inlet of the first generator for recirculation.
12. The system of claim 11, wherein the outlet of the first generator is configured to direct at least a portion of the airborne sanitizing agents generated by the first generator across the conveyor toward the inlet of the second generator.

13. The system of claim 12, wherein the outlets of the first and second generators are configured to discharge air sanitizing agents in directions that are oriented parallel to each other and substantially perpendicular to the conveyance direction.
14. The system of claim 11, wherein the outlet of the first generator is oriented at the inlet of the second generator or incrementally upstream of the inlet of the second generator in the conveyance direction.
15. The system of claim 11, further comprising a cabinet in which the inlets and the outlets of both the first and second generators and at least a portion of the conveyor are substantially enclosed.
16. The system of claim 11, wherein each of the first and second generators is operable to generate reactive oxygen species (ROS) from ambient air.
17. The system of claim 16, wherein each of the first and second generators is operable to generate and discharge ozone (O<sub>3</sub>).
18. The system of claim 16, wherein the second generators is rated for producing a gaseous output, from ambient air, with a predetermined ROS concentration, the second generator being operable to produce a gaseous output, from an input including at least a portion of the airborne sanitizing agents from the first generator, with an ROS concentration higher than the rated ROS concentration.
19. The system of claim 11, further comprising a processing device configured to carry out at least one of a cutting operation and a grinding operation on food products conveyed along the conveyor, wherein the processing device is positioned downstream of the outlet of at least one of the first and second generators in the direction of conveyance.

20. A method of applying airborne sanitizing agents to products on a conveyor, the method comprising:

- moving products along a conveyor;
- generating airborne sanitizing agents with a first generator;
- generating airborne sanitizing agents with a second generator;
- directing at least a portion of the airborne sanitizing agents generated by the first generator into an inlet of the second generator; and
- directing at least a portion of the airborne sanitizing agents generated by the second generator across the conveyor into an inlet of the first generator for recirculation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. : 12/777,759  
Inventor : BROWN, Richard et al.  
Title : *“Composite Structure Vessel and Transportation System for Liquefied Gases”*  
Filing Date : May 11, 2010  
Art Unit : 3781  
Examiner : Not Yet Assigned  
Confirmation No. : 5025  
Our File No. : 1119680

July 12, 2011

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

**PETITION TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY PILOT PROGRAM  
MATERIALITY STATEMENT OF APPLICANT**

Applicant believes that the present invention qualifies as “green technology” in that applicant believes that it “... materially contributes to... the reduction of greenhouse gas emissions”.

Applicant submits that this is the case for several reasons, including the following:

The present invention relates to composite vessel technology that can provide for more efficient highway transportation of liquefied compressed gases.

In Western countries where legal road weight limits are regulated and enforced the maximum allowable vehicle payload is equal to the difference between the legal load limit and the tare (unloaded) vehicle weight.

Through the replacement of steel with carbon fiber, the present invention relates to a lightweight large volume pressure vessel capable of transporting a greater quantity of payload than conventional steel pressure vessels. For example, in some configurations the payload gain can be up to 30% versus conventional technology.

This means that less vehicle trips can be required to transport the same amount of liquid, thus reducing the overall greenhouse gas emission of the fleet used to transport the liquid.

Alternatively, an operator may transport the same amount of a liquid on a per truck basis, but because the vehicle would be lighter, the overall fuel efficiency of the vehicle could be improved, thus leading to reduced greenhouse gas emission on a per truck basis.

In the United States today there are tens of thousands of liquefied compressed gas transport vehicles that could benefit from the application the present invention. Given the magnitude of the efficiency gain coupled with the number of vehicles, this technology has the possibility of materially positively impacting the greenhouse gas emissions of this segment America's transportation fleet.

At the time of filing of the present paper, any fee believed to be necessary was authorized to be charged to a credit card. In case any additional fee should be necessary, the Office is hereby authorized to debit Deposit Account number 502977.

Respectfully submitted,

/Jonathan D. Cutler/

---

Jonathan D. Cutler, Reg. No. 40,576  
OSLER, HOSKIN & HARCOURT LLP  
Attorneys for the Applicants

OSLER, HOSKIN & HARCOURT LLP  
1000 de la Gauchetière St. West  
Suite 2100  
Montréal, Québec H3B 4W5  
Canada

Tel. (514) 904-8100  
Fax. (514) 904-8101



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **1119680** Application Number (if known): **12/777,759** Filing date: **May 11, 2010**

First Named Inventor: **Richard BROWN**

Title: **COMPOSITE STRUCTURE VESSEL AND TRANSPORTATION SYSTEM FOR LIQUEFIED GASES**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Materiality Statement of Applicant

Signature /Jonathan D. Cutler/

Date **July 12, 2011**

Name (Print/Typed) **Jonathan D. Cutler**

Registration Number **40,576**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 1 forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,759	05/11/2010	Richard BROWN	1119680	5025
59154 7590 07/22/2011 OSLER, HOSKIN & HARCOURT LLP (OTHER) 1000 DE LA GAUCHETIERE STREET WEST SUITE 2100 MONTREAL, QC H3B-4W5 CANADA			EXAMINER	
			ART UNIT	PAPER NUMBER
			3781	
			NOTIFICATION DATE	DELIVERY MODE
			07/22/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipmtl@OSLER.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

OSLER, HOSKIN & HARCOURT LLP (OTHER)  
1000 DE LA GAUCHETIERE STREET WEST  
SUITE 2100  
MONTREAL, QC H3B-4W5  
CANADA

In re Application of	:	
BROWN, Richard, et al.	:	DECISION ON PETITION
Application No. 12/777,759	:	TO MAKE SPECIAL UNDER
Filed: May 11, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1119680	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed July 12, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is dismissed.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived. The petition lacks item # 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status (i.e., whether the instant invention (1) materially enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conservation, or (3) greenhouse gas reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technology. This is not convincing. It is not clear how the claimed trailer vessel will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. Claims have nothing to do with green technologies.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application will be forwarded to the Technology Center Art Unit 3781 for action in its regular turn.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center 3700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. : 12/777,759  
Inventor : **BROWN, Richard et al.**  
Title : *“Composite Structure Vessel and Transportation System for Liquefied Gases”*  
Filing Date : **May 11, 2010**  
Art Unit : **3781**  
Examiner : **Not Yet Assigned**  
Confirmation No. : **5025**  
Our File No. : **1119680**

August 22, 2011

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

**REQUEST FOR RECONSIDERATION OF  
DISMISSAL OF PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

Sir:

On July 12, 2011 Applicants filed a petition to make special under the Green Technology Program in respect of the above-noted application. The petition was dismissed on July 22, 2011. Applicants were given a non-extendible one-month period of time, *i.e.* until August 22, 2011, within which to request reconsideration of the dismissal of Applicants' petition.

Applicants hereby timely request reconsideration of the dismissal of Applicants' petition.

The decision states:

*"...The petition lacks #4.*

*In regard to item 4, petitioner should note that the instant petition includes a statement indentifying the basis for the special status (i.e., whether the instant invention (1)) material enhances the quality of the environment or materially contributes to (2) development of renewable energy resources or energy conversation, or (3) greenhouse gas emission reduction) as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. This petition lacks such a statement and it is not agreed that the application on its face meets that materiality standard. Petitioner states that the claimed invention relates to green technology. This is not convincing. It is not clear how the claimed trailer vessel will provide and enhance the quality of the environment or contribute to development of renewable energy resources or energy conservation or greenhouse gas reduction. Claims have nothing to do with green technologies."*

Applicants disagree that the claims have nothing to do with green technologies.

Claim 1 of the present application provides as follows:

1. *A trailer vessel for transporting liquefied gasses, the vessel having a cylindrical side wall, isotenoid geodesic ends, and a longitudinal axis, the vessel comprising:*
  - *an inner liner for surrounding a liquefied gas to be transported within the vessel;*
  - *a composite material layer surrounding the inner liner and bonded thereto, the composite layer including a plurality of alternating helical and hoop sub-layers of resin-impregnated fibers, the fibers of the helical sub-layers being oriented at a helical sub-layer angle of between  $\pm 15-25^\circ$  to the longitudinal axis of the vessel, the fibers of the hoop sub-layers being oriented at a hoop sub-layer angle of between  $\pm 80-90^\circ$  to the longitudinal axis of the vessel, the composite layer material having sufficient strength such that the operating range of the vessel with respect to the liquefied gas to be transported therein is up to 350 psi and down to  $-200^\circ\text{C}$ .*



As the Examiner notes, one of the bases for requesting special status under the green technology program is: reduction of greenhouse gases. Carbon dioxide is a greenhouse gas. Carbon dioxide is an exhaust gas of automotive engines, including automotive engines present in trucks. Presently, trucks are used to haul around trailer vessels of the type claimed in the present application, however these conventional trailer vessels are made of carbon steel.

Trailer vessels of the present invention are made of composite fiber, however, which is much lighter than carbon steel. There is, however, a maximum weight limit for the combination of truck, trailer vessels, and payload travelling on a public road. This means that a truck having a trailer vessel of the present invention can either (1) carry more payload than a truck having a conventional trailer vessel (because less of the total maximum permitted weight is used for the trailer vessel so more can be used for the payload), or (2) carry the same payload as a truck having a conventional trailer vessel but use less fuel to do so (because the total weight of the truck, trailer vessel, and the payload would be reduced as the trailer weight would be reduced) [In this respect, see paragraph [0070] of the specification].

In the United States today there are tens of thousands of conventional trailer vessels. If the trailer vessels of the present invention were substituted for those conventional trailer vessels, the total amount of greenhouse gas (carbon dioxide) emissions of the U.S. fleet of trucks hauling around such trailer vessels would be reduced as in the first case (1) above, less truck trips would be required to carry the same amount of total fleet payload because each individual trip would carry more payload; or in the second case (2) above, although the total number of truck trips would be required to carry the same amount of total fleet payload, each trip would emit less carbon dioxide than a trip of a truck carrying a conventional trailer vessel.

Given the magnitude of the difference coupled with the number of vehicles, this technology has the possibility of materially positively impacting the greenhouse gas emissions of this segment of the U.S.'s truck fleet.

For these reasons, reconsideration and allowance of the petition is respectfully requested.

At the time of filing of the present paper, any fee believed to be necessary was authorized to be charged to a credit card. In case any additional fee should be necessary, the Office is hereby authorized to debit Deposit Account number 502977.

Respectfully submitted,

/Jonathan D. Cutler/

---

Jonathan D. Cutler, Reg. No. 40,576  
OSLER, HOSKIN & HARCOURT LLP  
Attorneys for the Applicants

OSLER, HOSKIN & HARCOURT LLP  
1000 de la Gauchetière St. West  
Suite 2100  
Montréal, Québec H3B 4W5  
Canada

Tel. (514) 904-8100

Fax. (514) 904-8101



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,759	05/11/2010	Richard BROWN	1119680	5025
59154 7590 09/29/2011 OSLER, HOSKIN & HARCOURT LLP (OTHER) 1000 DE LA GAUCHETIERE STREET WEST SUITE 2100 MONTREAL, QC H3B-4W5 CANADA			EXAMINER BRADEN, SHAWN M	
			ART UNIT 3728	PAPER NUMBER
			NOTIFICATION DATE 09/29/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipmtl@OSLER.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

OSLER, HOSKIN & HARCOURT LLP (OTHER)  
1000 DE LA GAUCHETIERE STREET WEST  
SUITE 2100  
MONTREAL QC H3B-4W5 CA CANADA

9/29/11

In re Application of	:	
Brown et al.	:	DECISION ON PETITION
Application No. 12/777,759	:	TO MAKE SPECIAL UNDER
Filed: 5/11/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 1119680	:	PILOT PROGRAM

This is a decision on the request for reconsideration, filed 8/22/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 3781 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,760	Confirmation Number	5026	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-453	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 99497033				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777760

Filed: May 11, 2010

Attorney Docket No. 1421-453

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

12/777,760

05/11/2010

William H. Eby

1421-453

5026

32905 7590 12/07/2011  
JONDLE & ASSOCIATES, P.C.  
858 HAPPY CANYON ROAD, SUITE 230  
CASTLE ROCK, CO 80108

EXAMINER

KALLIS, RUSSELL

ART UNIT

PAPER NUMBER

1638

NOTIFICATION DATE

DELIVERY MODE

12/07/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC - 7 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,760

Filed: May 11, 2010

Attorney Docket No.: 1421-453

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed October 20, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on October 20, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 17, 2012

In re Application of :

William Eby

Application No : 12777760

Filed : 11-May-2010

Attorney Docket No : 1421-453

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 17, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12777760	
Filing Date	11-May-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	RUSSELL KALLIS	
Attorney Docket Number	1421-453	
Title	SOYBEAN CULTIVAR 99497033	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,769	05/11/2010	Atsushi Kato	17328/047001	5049
22511	7590	08/25/2010		
OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			EXAMINER	
			ART UNIT	PAPER NUMBER
			1797	
			NOTIFICATION DATE	DELIVERY MODE
			08/25/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
buta@oshaliang.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

August 24, 2010

BC

In re application of	:	DECISION ON REQUEST TO
Atsushi Kato et al.	:	PARTICIPATE IN PATENT
Serial No. 12/777,769	:	PROSECUTION HIGHWAY
Filed: May 11, 2010	:	PROGRAM AND
For: FUEL PRODUCTION METHOD, FUEL	:	PETITION TO MAKE SPECIAL
PRODUCTION APPARATUS, AND FUEL OIL	:	UNDER 37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d) to make the above-identified application special filed August 04, 2010.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
  - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application); and

(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777780

Filed: May 11, 2010

Attorney Docket No. 1421-454

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,780	Confirmation Number	5071	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-454	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 99466158				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,780	05/11/2010	William H. Eby	1421-454	5071

32905 7590 11/04/2011  
JONDLE & ASSOCIATES, P.C.  
858 HAPPY CANYON ROAD, SUITE 230  
CASTLE ROCK, CO 80108

EXAMINER
----------

KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/04/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 04 2011

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/777,780 : PETITION DECISION  
 Filed: May 11, 2010 :  
 Attorney Docket No.: 1421-454 :

This is in response to the petition under 37 CFR § 1.59(b), filed September 16, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on September 16, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,780	05/11/2010	William H. Eby	1421-454	5071

32905	7590	01/09/2012
JONDLE & ASSOCIATES, P.C.		
858 HAPPY CANYON ROAD, SUITE 230		
CASTLE ROCK, CO 80108		

EXAMINER	
KALLIS, RUSSELL	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
01/09/2012	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 09 2012

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,780

Filed: May 11, 2010

Attorney Docket No.: 1421-454

:  
:  
:  
:  
:

PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 21, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on September 16, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 20, 2012

In re Application of :

William Eby

Application No : 12777780

Filed : 11-May-2010

Attorney Docket No : 1421-454

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed February 20, 2012

The request is **APPROVED**

The request was signed by Robert J. Jondle (registration no. 33915 ) on behalf of all attorneys/agents associated with Customer Number 32905 . All attorneys/agents associated with Customer Number 32905 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 26263 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12777780	
Filing Date	11-May-2010	
First Named Inventor	William Eby	
Art Unit	1638	
Examiner Name	RUSSELL KALLIS	
Attorney Docket Number	1421-454	
Title	SOYBEAN CULTIVAR 99466158	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		32905
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 26263		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Robert J. Jondle/	
Name	Robert J. Jondle	
Registration Number	33915	



**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 81204820

Application Number  
(if known): 12777785

Filing date: May 11, 2010

First Named  
Inventor: Alireza Pezhman Shirvanian

Title: FUEL CELL WITH EMBEDDED FLOW FIELD

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Benjamin C. Stasa/

Date 2011-03-08

Name  
(Print/Typed) Benjamin C. Stasa

Registration Number 55644

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program  
(Not to be Submitted to the USPTO)**

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ALIREZA PEZHMEN SHIRVANIAN

Group Art Unit: 1726

Examiner: Unknown

Serial No.: 12777785

Filed: May 11, 2010

For: FUEL CELL WITH EMBEDDED FLOW FIELD

Attorney Docket No.: 81204820

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the "Green Technology Pilot Program" as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

Applicant respectfully submits that it is clear on the above-identified application's face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions, hence no additional statement explaining how the materiality standard is met is being submitted at this time.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**ALIREZA PEZHMEN SHIRVANIAN**

By: /Benjamin C. Stasa/  
Benjamin C. Stasa  
Reg. No. 55644  
Attorney for Applicant

Date: March 8, 2011

BROOKS KUSHMAN P.C.  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,785	05/11/2010	Alireza Pezhman Shirvanian	81204820	5079
28395 7590 03/28/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER SIDDIQUEE, MUHAMMAD S	
			ART UNIT 1726	PAPER NUMBER
			MAIL DATE 03/28/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

3/28/2011

In re Application of	:	
Shirvanian	:	DECISION ON PETITION
Application No. 12/777,785	:	TO MAKE SPECIAL UNDER
Filed: 5/11/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204820	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/9/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1726 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 81204809

Application Number  
(if known): 12777797

Filing date: May 11, 2010

First Named  
Inventor: Thomas Alan Wagner

Title: FUEL CELL HEADER WEDGE

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Benjamin C. Stasa/

Date 2011-03-08

Name  
(Print/Typed) Benjamin C. Stasa

Registration Number 55644

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

THOMAS ALAN WAGNER et al.

Serial No.: 12777797

Filed: May 11, 2010

For: FUEL CELL HEADER WEDGE

Attorney Docket No.: 81204809

Group Art Unit: 1728

Examiner: Unknown

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the “Green Technology Pilot Program” as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

Applicant respectfully submits that it is clear on the above-identified application’s face that the claimed invention materially contributes to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions, hence no additional statement explaining how the materiality standard is met is being submitted at this time.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**THOMAS ALAN WAGNER et al.**

By: /Benjamin C. Stasa/  
Benjamin C. Stasa  
Reg. No. 55644  
Attorney for Applicant

Date: March 8, 2011

BROOKS KUSHMAN P.C.  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,797	05/11/2010	Thomas Alan Wagner	81204809	5096
28395 7590 03/28/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER WILLS, MONIQUE M	
			ART UNIT 1728	PAPER NUMBER
			MAIL DATE 03/28/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

3/28/2011

In re Application of	:	
Wagner et al.	:	DECISION ON PETITION
Application No. 12/777,797	:	TO MAKE SPECIAL UNDER
Filed: 5/11/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 81204809	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/9/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1728 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,802	Confirmation Number	5108	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-455	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 96292716				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777802

Filed: May 11, 2010

Attorney Docket No. 1421-455

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,802	05/11/2010	William H. Eby	1421-455	5108
32905 7590 11/04/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 11/04/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 04 2011

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/777,802 : PETITION DECISION  
 Filed: May 11, 2010 :  
 Attorney Docket No.: 1421-455 :

This is in response to the petition under 37 CFR § 1.59(b), filed August 11, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 11, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,802	05/11/2010	William H. Eby	1421-455	5108
32905 7590 01/09/2012 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 01/09/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JAN 09 2012

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,802

Filed: May 11, 2010

Attorney Docket No.: 1421-455

:  
:  
:  
:  
:

PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 21, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on August 11, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CONLEY ROSE, P.C.  
5601 GRANITE PARKWAY, SUITE 750  
PLANO TX 75024

**MAILED**

**JAN 1 0 2011**

**OFFICE OF PETITIONS**

In re Application of	:
MASON, BARBARA	:
Application No. 12/777,824	: DECISION GRANTING PETITION
Filed: 05/11/2010	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 4290-00101	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed October 20, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of prior-filed provisional Application No. 61/177,123, filed May 11, 2009.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.



All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. 119(e) is accepted as being unintentionally delayed.

*The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.*

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 3611 for consideration by the examiner of the claim under 35 U.S.C. 119(e) for the benefit of priority to the prior-filed provisional application.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/777,824	05/11/2010	3611	527	4290-00101	20	3

**CONFIRMATION NO. 5153**

## CORRECTED FILING RECEIPT

30652  
CONLEY ROSE, P.C.  
5601 GRANITE PARKWAY, SUITE 750  
PLANO, TX 75024



0000000045366906

Date Mailed: 01/10/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

Barbara Mason, Frisco, TX;

**Power of Attorney:** The patent practitioners associated with Customer Number 30652

### Domestic Priority data as claimed by applicant

This appln claims benefit of 61/177,123 05/11/2009

### Foreign Applications

**If Required, Foreign Filing License Granted:** 05/19/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/777,824**

**Projected Publication Date:** 04/21/2011

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

GREETING CARD WITH RECORDABLE SOUND MODULE AND IMAGE RETAINING WINDOW

**Preliminary Class**

040

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777841

Filed: May 11, 2010

Attorney Docket No. 1421-456

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,841	Confirmation Number	5180	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-456	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 90362556				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,841	05/11/2010	William H. Eby	1421-456	5180
32905 7590 08/31/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 08/31/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com





UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 31 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,841

Filed: May 11, 2010

Attorney Docket No.: 1421-456

:  
:  
:  
:  
:

PETITION DECISION

This is in response to the petition under 37 CFR § 1.59(b), filed August 16, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 16, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,841	05/11/2010	William H. Eby	1421-456	5180
32905	7590	09/02/2011		
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 09/02/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SEP 02 2011

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,841

Filed: May 11, 2010

Attorney Docket No.: 1421-456

:  
:  
: PETITION DECISION  
:  
:

This is in response to the petition under 37 CFR § 1.59(b), filed August 16, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 16, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,841	05/11/2010	William H. Eby	1421-456	5180
32905	7590	01/09/2012		
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 01/09/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 09 2012

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,841

Filed: May 11, 2010

Attorney Docket No.: 1421-456

:  
:  
:  
:  
:

PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 21, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on August 16, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FRASER CLEMENS MARTIN & MILLER LLC  
28366 KENSINGTON LANE  
PERRYSBURG, OH 43551

**MAILED**

**JAN 18 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Bob Hadley	:	DECISION REFUSING STATUS
Application No. 12/777,849	:	UNDER 37 CFR 1.47(b)
Filed: May 11, 2010	:	
Attorney Docket No. 1-40029	:	

This is in response to the petition under 37 CFR 1.47(b), filed July 26, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor.
- (5) proof of proprietary interest: and
- (6) proof of irreparable damage.

Applicant lacks item (6) set forth above.

As to item (6), Rule 47 applicant failed to provide proof of irreparable damage (see MPEP 409.03(g)). A statement by Rule 47 applicant that the filing is necessary to preserve the rights of the parties would be sufficient.

As authorized, the \$200 petition fee is being charged to petitioner's Deposit Account Number 50-3156.

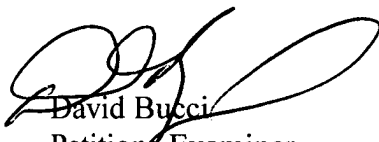
Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Mail Stop PETITIONS  
                              Commissioner for Patents  
                              Post Office Box 1450  
                              Alexandria, VA 22313-1450

By hand:                 Customer Service Window  
                              Mail Stop Petitions  
                              Randolph Building  
                              401 Dulany Street  
                              Alexandria, VA 22314

By fax:                   (571) 273-8300  
                              ATTN: Office of Petitions

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FRASER CLEMENS MARTIN & MILLER LLC  
28366 KENSINGTON LANE  
PERRYSBURG, OH 43551

**MAILED**

**MAR 17 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Bob Hadley : DECISION GRANTING STATUS  
Application No. 12/777,849 : UNDER 37 CFR 1.47(b)  
Filed: May 11, 2010 :  
Attorney Docket No. 1-40029 :

This is a decision on the petition filed, January 25, 2011, requesting reconsideration of a decision mailed January 18, 2011, which refused to accord 37 CFR 1.47(b) status to the above-identified application.

The petition is **GRANTED**.


Petitioner has shown that the non-signing inventor, Bob Hadley, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Patent Application Processing.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (571) 272-3210.

  
David Bucci  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Bob Hadley  
2423 County Road E.  
Swanton, OH 43558

**MAILED**

**MAR 17 2011**

**OFFICE OF PETITIONS**

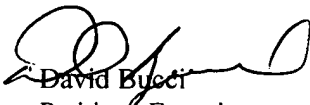
In re Application of  
Bob Hadley  
Application No. 12/777,849  
Filed: May 11, 2010  
For: CONTAINER INSERT APPARATUS AND METHOD

Dear Mr. Hadley:

You are named as the inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (571) 272-3210. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington D.C. area).

  
David Bucci  
Petitions Examiner  
Office of Petitions

cc: Fraser, Clemens, Martin & Miller LLC  
28366 Kensington Lane  
Perrysburg, OH 43551

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,861	Confirmation Number	5228	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-457	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 95092896				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777861

Filed: May 11, 2010

Attorney Docket No. 1421-457

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,861	05/11/2010	William H. Eby	1421-457	5228
32905	7590	11/04/2011		
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 11/04/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

NOV 04 2011

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/777,861 : PETITION DECISION  
 Filed: May 11, 2010 :  
 Attorney Docket No.: 1421-457 :

This is in response to the petition under 37 CFR § 1.59(b), filed August 12, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 12, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,861	05/11/2010	William H. Eby	1421-457	5228
32905 7590 01/09/2012 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 01/09/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JAN 09 2012

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of: :  
William H. Eby :  
Serial No.: 12/777,861 : PETITION DECISION  
Filed: May 11, 2010 :  
Attorney Docket No.: 1421-457 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 21, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on August 12, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600





## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777884

Filed: May 11, 2010

Attorney Docket No. 1421-458

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,884	Confirmation Number	5272	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-458	Art Unit	1638	Examiner	Cathy Kingdon Worley
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 97274007				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,884	05/11/2010	William H. Eby	1421-458	5272
32905	7590	07/21/2011		
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/21/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 21 2011

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/777,884 : PETITION DECISION  
 Filed: May 11, 2010 :  
 Attorney Docket No.: 1421-458

This is in response to the petition under 37 CFR § 1.59(b), filed July 8, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 8, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,884	05/11/2010	William H. Eby	1421-458	5272
32905 7590 09/30/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 09/30/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 30 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,884

Filed: May 11, 2010

Attorney Docket No.: 1421-458

:  
:  
:  
:  
:

PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 26, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 8, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,901	05/11/2010	Hui Huang	13674-185	5311
7590		03/05/2012	EXAMINER	
Huawei/BHGL		YEN, ERIC L		
P.O. Box 10395		ART UNIT		
Chicago, IL 60610		PAPER NUMBER		
		2626		
		MAIL DATE		
		DELIVERY MODE		
		03/05/2012		
		PAPER		

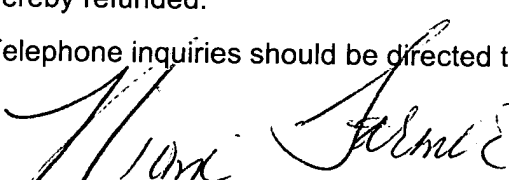
## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

LAW OFFICE OF JIM BOICE  
3839 BEE CAVE ROAD, SUITE 201  
WEST LAKE HILLS TX 78746

MAILED

SEP 21 2010

OFFICE OF PETITIONS

In re Application of :  
Alewine, et al. : DECISION ON PETITION  
Application No. 12/777,924 :  
Filed: 11 May, 2010 :  
Attorney Docket No. RSW920100012US1 :

This is a decision on the petition filed on 22 July, 2010, and supplemented on 6 August, 2010, pursuant to 37 C.F.R. §1.47

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

*(Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.)*

**BACKGROUND**

The record reflects as follows:

The application was deposited on 11 May, 2010, without, *inter alia*, a fully executed oath/declaration

On 25 May, 2010, the Office mailed a Notice to File Corrected Application Papers (Including a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration).

On 22 July, 2010, Petitioner James E. Boice (Reg. No. 44,545) submitted, *inter alia*: a petition with fee pursuant to 37 C.F.R. §1.47(a) with partial statement, and with: an oath/declaration executed by co-inventors Alewine, Olsen and White for themselves and on behalf of non-signing inventor John W. Eckhart (Mr. Eckhart). Petitioner set forth an address to which he averred he transmitted papers to the nonsigning inventor, and Mr. Eckhart's failure to reply, with such showings as required under statute, the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.

On 6 August, 2010, Petitioner readvanced the petition pursuant to 37 C.F.R. §1.47(a), this time averring subsequent signing and joinder by Mr. Eckhart and evidencing same with a copy of the oath/declaration averred to have been executed by Mr. Eckhart.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **dismissed as moot for joinder**.

In view of the joinder of the inventor, further consideration under 37 C.F.R. §1.47 is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application should not be returned to this Office for any further consideration under 37 C.F.R. §1.47.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

---

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/777,924

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777925

Filed: May 11, 2010

Attorney Docket No. 1421-459

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,925	Confirmation Number	5352	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-459	Art Unit	1638	Examiner	Cathy Kingdon Worley
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 98193227				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,925	05/11/2010	William H. Eby	1421-459	5352
32905 7590 07/05/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/05/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

JUL - 5 2011

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/777,925 : PETITION DECISION  
 Filed: May 11, 2010 :  
 Attorney Docket No.: 1421-459 :

This is in response to the petition under 37 CFR § 1.59(b), filed June 22, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 22, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,925	05/11/2010	William H. Eby	1421-459	5352
32905 7590 08/31/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 08/31/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 31 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,925

Filed: May 11, 2010

Attorney Docket No.: 1421-459

:  
:  
:  
:  
:

PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed August 29, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 22, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,925	05/11/2010	William H. Eby	1421-459	5352
32905 7590 09/02/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 09/02/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 02 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,925

Filed: May 11, 2010

Attorney Docket No.: 1421-459

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed August 29, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 22, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/777,946	Confirmation Number	5390	Filing Date	2010-05-11
Attorney Docket Number (optional)	1421-460	Art Unit	1638	Examiner	Cathy Kingdon Worley
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR S090253				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12777946

Filed: May 11, 2010

Attorney Docket No. 1421-460

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,946	05/11/2010	William H. Eby	1421-460	5390
32905 7590 07/01/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/01/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com





## UNITED STATES PATENT AND TRADEMARK OFFICE

JUL - 1 2011

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/777,946 : PETITION DECISION  
 Filed: May 11, 2010 :  
 Attorney Docket No.: 1421-460

This is in response to the petition under 37 CFR § 1.59(b), filed June 22, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 22, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,946	05/11/2010	William H. Eby	1421-460	5390
32905	7590	10/25/2011		
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT	PAPER NUMBER
			1638	
			NOTIFICATION DATE	DELIVERY MODE
			10/25/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 25 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/777,946

Filed: May 11, 2010

Attorney Docket No.: 1421-460

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 28, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 22, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

SAPPHIRE ENERGY, INC.  
3115 MERRYFIELD ROW  
SAN DIEGO CA 92121

**MAILED**

**JAN 04 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Heifetz, et al. : DECISION ON PETITION  
Application No. 12/777,952 :  
Filed: 11 May, 2010 :  
Attorney Docket No. 0741US-UTL1 :

This is a decision on the petition filed on 24 September, 2010, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Pursuant to 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (See, generally: MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C. § 116).

***In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.***

Application No. 12/777,952

*Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.*

### BACKGROUND

The record reflects as follows:

The application was deposited on 11 May, 2010, without, *inter alia*, a fully executed oath/declaration

On 26 May, 2010, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 24 September, 2010, Petitioner James E. Butler (Reg. No. 40,931) filed, *inter alia*, a petition pursuant to the regulations at 37 C.F.R. § 1.47, with an oath/declaration executed by co-inventor Heifetz for himself and on behalf of non-signing co-inventor Scott Franklin (Mr. Franklin), with no confirmation in the petition over Petitioner's signature and registration number of a search to confirm the then current/valid/reasonably believed to be last known address for Mr. Franklin after a package was left on a doorstep without confirmation of delivery and without reply; more problematic is that it is clear from the statements of Petitioner and Susan A. Mogavero (Ms. Mogavero) that only an oath/declaration was sent (with, possibly, an assignment) to Mr. Franklin and not the entire application—description, claims, abstract and drawing—as required. As authorized, the petition fee and the required extension of time fee now are charged as authorized to Deposit Account 50-4900. (Petitioner is respectfully reminded to review the fee schedule and calculate and submit the proper fees on deposit.) *Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.*

Thus, the required showings have not been made due to the incomplete information/data that Petitioner has placed of record:

Petitioner is reminded of his duties of candor to—with requirement for diligent inquiry before—the Office and to satisfy the Rules of Practice and the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.

Out of an abundance of caution, Petitioner should step through the requirements of a grantable petition under 37 C.F.R. § 1.47(a) (i.e., (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable

Application No. 12/777,952

oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address) and satisfy himself that he has complied with these requirements on submission of any renewed petition. (*See also*: the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.)

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

---

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/777,952

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By FAX: (571) 273-8300  
ATTN: Office of Petitions

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SAPPHIRE ENERGY, INC.  
3115 MERRYFIELD ROW  
SAN DIEGO CA 92121

**MAILED**

**MAR 01 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Heifetz, et al. : DECISION ON PETITION  
Application No. 12/777,952 :  
Filed: 11 May, 2010 :  
Attorney Docket No. 0741US-UTL1 :

This is a decision on the petition filed on 25 February, 2011, under 37 C.F.R. §1.47.

The petition as considered under 37 C.F.R. §1.47(a) is **DISMISSED**.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

*Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.*

**BACKGROUND**

The record reflects as follows:

The application was deposited on 11 May, 2010, without, *inter alia*, a fully executed oath/declaration

On 26 May, 2010, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.



Application No. 12/777,952

On 24 September, 2010, Petitioner James E. Butler (Reg. No. 40,931) filed, *inter alia*, a petition pursuant to the regulations at 37 C.F.R. §1.47, with an oath/declaration executed by co-inventor Heifetz for himself and on behalf of non-signing co-inventor Scott Franklin (Mr. Franklin), with no confirmation in the petition over Petitioner's signature and registration number of a search to confirm the then current/valid/reasonably believed to be last known address for Mr. Franklin after a package was left on a doorstep without confirmation of delivery and without reply; more problematic was that it was clear from the statements of Petitioner and Susan A. Mogavero (Ms. Mogavero) that only an oath/declaration was sent (with, possibly, an assignment) to Mr. Franklin and not the entire application—description, claims, abstract and drawing—as required. As authorized, the petition fee and the required extension of time fee were charged as authorized to Deposit Account 50-4900. (Petitioner was respectfully reminded to review the fee schedule and calculate and submit the proper fees on deposit.) *Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.* The petition was dismissed on 4 January, 2011.

On 25 February, Petitioner renewed his petition, and averred that consistent with the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq., he made a new search, located an address and sent the application to the non-signing inventor, who executed the oath/declaration and so joined in the application. In support of the averment, Petitioner submitted a copy of the oath/declaration, which evidenced/demonstrated, *inter alia*, execution/signing by all inventors—i.e., Mr. Heifetz and Mr. Franklin.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### CONCLUSION

The instant petition under 37 C.F.R. §1.47 is **dismissed as moot for joinder.**

---

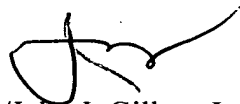
<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/777,952

In view of the joinder of the inventor, further consideration under 37 C.F.R. §1.47 is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application should not be returned to this Office for any further consideration under 37 C.F.R. §1.47.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course before being returned to the Technology Center for further processing.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,956	05/11/2010	Yonghong SONG	070545-1253	✓ 5407
90127 7590 01/07/2011 Portola Pharmaceuticals, Inc. c/o Foley & Lardner LLP 975 Page Mill Road Palo Alto, CA 94304			EXAMINER SOLOLA, TAOFIQ A	
			ART UNIT 1625	PAPER NUMBER
			MAIL DATE 01/07/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Portola Pharmaceuticals, Inc.  
c/o Foley & Lardner LLP  
975 Page Mill Road  
Palo Alto CA 94304

Applicant: Song et al.  
Appl. No.: 12/777,956  
Filing Date: May 11, 2010  
Title: FACTOR XA INHIBITORS  
Attorney Docket No.: 070545-1253  
Pub. No.: US 2010/0249117 A1  
Pub. Date: September 30, 2010

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on December 21, 2010, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission.** The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

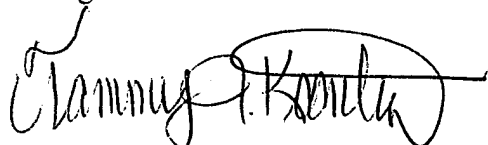
[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.



Tammy J. Koontz  
Office of Data Management  
United States Patent & Trademark Office

Adjustment date: 01/07/2011 KKING1  
12722/2010 INTEFSW 00007728 12777956  
01 FC:1504 -300.00 OP

Refund Ref:  
01/07/2011 0030092447

---

Credit Card Refund Total: \$300.00

VISA.....: XXXXXXXXXXXX9782

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/777,961	Filing date:	May 11, 2010
First Named Inventor:	Robin Lynn KELLEY		
Title of the Invention:	GATE DRIVER FOR ENHANCEMENT-MODE AND DEPLETION-MODE WIDE BANDGAP SEMICONDUCTOR JFETS		

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/034399

**The international filing date of the corresponding PCT application(s) is/are:**

May 11, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/777,961

First Named Inventor: Robin Lynn KELLEY

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒Has already been filed in the above-identified U.S. application on December 9, 2010

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on December 9, 2010**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1-7 and 9-11	1-7 and 9-11	Claims 1-7 and 9-11 are identical to the corresponding PCT claims
12	16	Claim 12 has been amended to correspond to allowable PCT Claim 16
17	17	Claim 17 has been amended to depend from Claim 12
18	18	Claim 18 has been amended to depend from Claim 12
19	19	Claim 18 has been amended to depend from Claim 12
20	20	Claim is identical to corresponding PCT claim
21	21	Claim 21 has been amended to depend from Claim 12
22	22	Claims is identical to corresponding PCT claim
23	23	Claim 23 has been amended to address the observation in Box No. VIII of the Written Opinion
8	8	Claim 8 has been amended to address the observation in Box No. VIII of the Written Opinion
24-28	24-28	Claims are identical to the corresponding PCT claims
29	1	Claim 29 depends from Claim 1 which was indicated as being patentable
30	16	Claim 30 depends from Claim 12 which has been amended to correspond to PCT Claim 16

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Christopher W. Raimund/	Date June 23, 2011
Name (Print/Typed) Christopher W. Raimund	Registration Number 47,258

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,961	05/11/2010	Robin Lynn KELLEY	17388/71038	5413
24728 7590 07/06/2011 MORRIS MANNING MARTIN LLP 3343 PEACHTREE ROAD, NE 1600 ATLANTA FINANCIAL CENTER ATLANTA, GA 30326			EXAMINER GOYAL, SHIKHA	
			ART UNIT 2816	PAPER NUMBER
			NOTIFICATION DATE 07/06/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipdocket@mmmlaw.com  
ppz@mmmlaw.com  
jlsmith@mmmlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MORRIS MANNING MARTIN LLP  
3343 PEACHTREE ROAD, NE  
1600 ATLANTA FINANCIAL CENTER  
ATLANTA GA 30326**

**In re Application of**

**KELLEY et al.**

**Application No.: 12/777,961**

**Filed: 11 May 2010**

**Attorney Docket No.: 17388/71038**

**For: GATE DRIVER FOR  
ENHANCEMENT-MODE AND  
DEPLETION-MODE WIDE BANDGAP  
SEMICONDUCTOR JFETS**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 23 June, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS Technology Center 2800 - Semiconductors,  
Electrical & Optical Systems & Components



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/777,975	05/11/2010	Seung Hee HAN	2101-3280C1	5442
35884 7590 08/11/2010 LEE, HONG, DEGERMAN, KANG & WAIMEY 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017			EXAMINER	
			ART UNIT	PAPER NUMBER
			2611	
			NOTIFICATION DATE	DELIVERY MODE
			08/11/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@lhlaw.com  
ip.lhlaw@gmail.com  
ip.lhlaw@live.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

LEE, HONG, DEGERMAN, KANG & WAIMEY  
660 S. FIGUEROA STREET  
Suite 2300  
LOS ANGELES CA 90017

In re Application of	:	
HAN, SEUNG HEE, et al.	:	DECISION ON REQUEST TO
Application No. 12/777,975	:	PARTICIPATE IN PATENT
Filed: May 11, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No.: 2101-3280C1	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 15, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the KIPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the KIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KIPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the KIPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the KIPO examiner in the KIPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Doris To at 571-272-7629.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Doris To/

---

Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12777975	
Filing Date	11-May-2010	
First Named Inventor	Seung Hee HAN	
Art Unit	2611	
Examiner Name	DAC HA	
Attorney Docket Number	2101-3280C1	
Title	METHOD AND APPARATUS FOR GENERATING AND TRANSMITTING CODE SEQUENCE IN A WIRELESS COMMUNICATION SYSTEM	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/Sevan Savsa/
Name	Sevan Savsa
Registration Number	61718





## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : May 26,2011

In re Application of :

Seung Hee HAN

### DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12777975

Filed : 11-May-2010

Attorney Docket No : 2101-3280C1

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed May 26,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2611 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**EDWARDS LIFESCIENCES CORPORATION  
LEGAL DEPARTMENT  
ONE EDWARDS WAY  
IRVINE CA 92614**

**MAILED**  
**APR 01 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Jeffery Dove et al :  
Application No. 12/777,994 : **DECISION GRANTING PETITIONS**  
Filed: May 11, 2010 :  
Attorney Docket No. ECV-5957CON :

This is a decision on the petitions filed March 25, 2011, to revive the above-identified application under the unintentional provisions of 37 CFR 1.137(b), and a petition under 37 CFR 1.313(c)(2), to withdraw the above-identified application from issue after payment of the issue fee, and lastly, a petition under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 of the prior-filed application set forth in the concurrently filed amendment.

The petitions are **GRANTED**.

As to the petition under 37 CFR 1.137(b):

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance and Fee(s) Due mailed December 16, 2010, is accepted as having been unintentionally delayed.

*As to the petition under 37 CFR 1.313(c)(2):*

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on March 25, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>***

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

*As to the petition under 37 CFR 1.78(a)(3):*

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

**The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.**

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

/Karen Creasy/  
Karen Creasy  
Petitions Examiner  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/777,994	05/11/2010	1629	1390	ECV-5957CON	15	2

CONFIRMATION NO. 5496

CORRECTED FILING RECEIPT



OC000000046887885

30452  
EDWARDS LIFESCIENCES CORPORATION  
LEGAL DEPARTMENT  
ONE EDWARDS WAY  
IRVINE, CA 92614

Date Mailed: 03/31/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

Jeffery Dove, Santa Ana, CA;  
Darin Dobler, Aliso Viejo, CA;  
Jim Davidson, San Juan Capistrano, CA;  
Gregory A. Wright, Orange, CA;

**Assignment For Published Patent Application**

Edwards Lifesciences Corporation, Irvine, CA

**Power of Attorney:** The patent practitioners associated with Customer Number 30452

**Domestic Priority data as claimed by applicant**

This application is a CON of 12/338,872 12/18/2008  
which claims benefit of 61/016,263 12/21/2007

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 05/20/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/777,994**

**Projected Publication Date:** 07/07/2011

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

CAPPING BIOPROSTHETIC TISSUE TO REDUCE CALCIFICATION

**Preliminary Class**

623

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Docket No.: ECV-5957CON

**Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):**

[ X ] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being transmitted via the Patent and Trademark Office electronic filing system on the date noted below.

**Dated:** March 25, 2011

**Name of Person Certifying:** /Corrinn R. Davis.

**Printed Name:** Corrinn R. Davis

**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Jeffrey Dove, et al.	) Group Art Unit: 1614
		)
Application No.:	12/777,994	) Examiner: Raymond J. Henley III
		)
Filing Date:	May 11, 2010	) Confirmation No: 5496
		)
For:	CAPPING BIOPROSTHETIC	)
	TISSUE TO REDUCE	)
	CALCIFICATION	)
		)

**PETITION UNDER 37 C.F.R. §1.78(a)(3)**  
**TO ACCEPT UNINTENTIONALLY DELAYED CLAIM FOR THE BENEFIT OF A PRIOR**  
**FILED APPLICATION**

Commissioner for Patents  
Mail Stop Petition  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit this Petition under 37 C.F.R. §1.78(a)(3) to accept Applicants claim to the benefit of a prior-filed, copending nonprovisional application in connection with the above-referenced application.

Applicants filed the above-referenced application on May 11, 2010 as a continuation of prior-filed, copending nonprovisional Application No. 12/338,872 filed on December 18, 2008. Application No. 12/338,872 in turn claimed the benefit under 35 U.S.C. §119(e) of provisional Application No. 61/016,263 filed on December 21, 2007. Both the specification and the Application Data Sheet (ADS) as filed in the above-referenced application contained a reference to both copending Application No. 12/338,872 and provisional Application No. 61/016,263, and their filing dates; however, the language was not in compliance with the requirements of 37 C.F.R. §1.78, as it failed to state that the above-referenced application was being filed as a continuation of Application No. 12/338,872.

Submission Date: 04/01/2011 CRH/LCK  
03/28/2011 INIEFSM 00000230 501225 12777994  
05 FC:1504 1510.00 CR  
04/04/2011 L21EP1 00000002 501225 12777994  
01 FC:1521 1510.00 JH  
02 FC:1524 333.00 DA



Application No.: 12/777,994  
Docket No.: ECV-5957CON

Applicants state that the entire delay between the date the priority claim was due under paragraph (a)(2)(ii) of 37 C.F.R. §1.78, i.e. September 11, 2010, and the present date was unintentional. Applicants mistakenly believed that the claim to priority as originally filed was sufficient, and only now discovered the error in the language included in the specification and the ADS. Applicant is filing concurrently herewith an Amendment that amends the specification to correct the priority claim, as well as a Request for Corrected Filing Receipt to evidence the correct priority in this application.

It should be noted that Applicants are filing concurrently herewith a Petition for revival of this application abandoned unintentionally under 37 C.F.R. §1.137(b) for failure to pay the Issue Fee. The Issue Fee Transmittal and the Issue Fee payment are also submitted, together with a statement that the entire delay in filing the Issue Fee from the March 16, 2011 due date until the filing of the Petition to Revive was unintentional. Applicants are also filing concurrently herewith a Petition under 37 C.F.R. §1.313(c)(2) to withdraw the above-referenced patent application from issuance following payment of the issue fee. Applicants are submitting the Petition in order to file an RCE and allow the Examiner to consider the references cited in a Supplemental IDS.

Applicants respectfully request that this Petition be granted, and that Application No. 12/777,994 be granted the benefit of priority under 35 U.S.C. §120 to the parent application, copending nonprovisional Application No. 12/338,872 filed on December 18, 2008, which in turn claims the benefit under 35 U.S.C. §119(e) of provisional Application No. 61/016,263 filed on December 21, 2007.

Please charge the Petition Fee (\$1410) under 37 CFR §1.17(t), as well as any other fees that might be necessary to Deposit Account No. 50-1225 (ECV-5957CON).

Dated: March 25, 2011

Respectfully submitted,

/AnneMarie Kaiser/

AnneMarie Kaiser  
Registration No. 37,649  
Edwards Lifesciences  
One Edwards Way  
Legal Department  
Irvine, California 92614  
Telephone: (949) 250-2574  
Facsimile: (949) 250-6850

Customer No.: 30452



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**Black, Lowe, Graham**  
**701 5th Ave., Suite 4800**  
**Seattle WA 98104**

**MAILED**

**NOV 08 2010**

**OFFICE OF PETITIONS**

In re Application of  
Adam Ditzler  
Application No. 12/777,997  
Filed: May 11, 2010  
Attorney Docket No. **GORI-1-1024**  
(208LG080)

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed October 19, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/778,124	05/12/2010	Shuhei Nishiyama	JP2009-119363	5816
88597	7590	09/23/2011		
Mr. Shuhei Nishiyama 1005 Spring - Garden 1-2-24 Todaijima Urayasu, Chiba, 279-0001 JAPAN			EXAMINER ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	
			NOTIFICATION DATE	DELIVERY MODE
			09/23/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

shunishi@yahoo.co.jp  
nishiyama.shuhei@ezweb.ne.jp  
shunishi@j-glia.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Mr. Shuhei Nishiyama  
1005 Spring - Garden 1-2-24 Todaijima  
Urayasu, Chiba 279-0-001 JP JAPAN

In re Application of: Shuhei NISHIYAMA  
Application No. 12/778,124  
Attorney Docket #: **JP2009-119363**  
Filed: May 12, 2010  
For: DISTRIBUTED DATABASE  
SYSTEM BY SHARING OR  
REPLICATING THE META  
INFORMATION ON MEMORY CACHES

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed July 29, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application for which participation in the PPH program is requested and the corresponding JPO application must have the same priority/filing date. In particular, the U.S. application (including national stage entry of a PCT application and a so-called bypass application filed under 35 U.S.C. § 111(a) which validly claims benefit under 35 U.S.C. § 120 to a PCT application):

(a) is an application that validly claims priority under 35 U.S.C. § 119(a) and 37 CFR 1.55 to one or more applications filed with JPO,

Or

(b) is an application which is the basis of a valid priority claim under the Paris Convention for the application filed in JPO

Or

(c) is an application which shares a common priority document with the application filed in JPO

Or

(d) and the JPO application are derived from/related to a PCT application having no priority claim

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s)
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

If the JPO office action does not explicitly state that a particular claim is allowable, the applicant must include a statement in the request for participation in the PPH program or in the transmittal letter accompanying the request for participation that no rejection has been made in the JPO office action regarding that claim, and therefore, the claim is deemed allowable by JPO.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s). Claims are considered to "sufficiently correspond" where, accounting for differences due to translations and claim format, the claims in the USPTO are of the same or similar scope as the claims in the JPO, or the claims in the USPTO are narrower in scope than the claims in the JPO. In this regard, a claim that is narrower in scope occurs when a JPO claim is amended to be further limited by an additional feature that is supported in the specification (description and/or claims). A claim in the USPTO which introduces a new/different category of claims to those claims indicated as allowable in the JPO is not considered to sufficiently correspond.

- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
  - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
  - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
  - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
- c. A statement that the English translation is accurate;

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED.**

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

---

Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MAILED AUG 30 2010

DELPHINE M. JAMES  
2656 SOUTH LOOP WEST #170  
HOUSTON TX 77054

In re application of: Reid, Gerald W.  
Serial No. 12/778213  
Filed: May 12, 2010  
For: Cigar Cutter

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the petition filed on May 12, 2010 to make the above-identified application special based on infringement.

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection II (infringement) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;



3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

ii. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that

corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

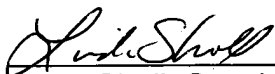
#### REVIEW OF FACTS

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of a Notice of Informal Application on May 18, 2010 is evidence that the application was not complete and in condition for examination at the time of filing.

The petition also fails to comply with condition II, subsections 2-6. Most importantly, applicant has not provided a statement that a preexamination search was conducted and provided at the time of filing. Note MPEP 708.02(a), sections I (H) and (I).

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



---

Linda Sholl, Special Programs Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**VERIZON  
PATENT MANAGEMENT GROUP  
1320 North Court House Road  
9th Floor  
ARLINGTON VA 22201-2909**

**MAILED  
MAY 05 2011  
OFFICE OF PETITIONS**

In re Application of: :  
Thomas M. Gilbert et al. :  
Application No. 12/778,318 : **DECISION ON PETITION**  
Filing Date: May 12, 2010 :  
Attorney Docket No. VZ06002CON1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on March 15, 2011, to revive the above-identified application.

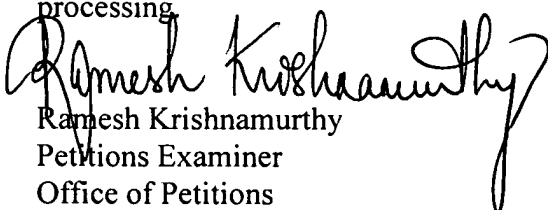
The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the Notice to File Corrected Application Papers mailed June 07, 2010, which set a period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on August 08, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the required drawings and fees, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Corrected Application Papers of June 07, 2010 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-3231.

The application is being referred to the Office of Patent Application Processing for further processing.

  
Ramesh Krishnamurthy  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/778,352	05/12/2010	Takahisa KUSUURA	091619-0435	6260
23524	7590	01/07/2011	EXAMINER	
FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497			ART UNIT	PAPER NUMBER
			3771	
			MAIL DATE	DELIVERY MODE
			01/07/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FOLEY & LARDNER LLP  
150 EAST GILMAN STREET  
P.O. BOX 1497  
MADISON WI 53701-1497

*In re* Application of:  
KUSUURA, TAKAHISA  
Serial No.: 12/778,352  
Filed: May 12, 2010  
Docket: 091619-0435  
Title: POWER APPARATUS, POWER  
SYSTEM, AND POWER CONTROL  
METHOD

::  
:  
: DECISION ON REQUEST  
:: TO PARTICIPATE IN  
PATENT PROSECUTION  
HIGHWAY (PPH) AND  
PETITION TO MAKE  
SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Jan. 6, 2011, to make the above-identified application special.

The request and petition are **Granted**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Justine Yu, SPE of Art Unit 3771, and 571-272-4835 for Class 601/35 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/778,360	05/12/2010	Lakshman R. SEHGAL	1004-023 (194156)	6276

7590 09/20/2011  
ANDREWS KURTH LLP  
1350 I STREET, N.W.  
SUITE 1100  
WASHINGTON, DC 20005

EXAMINER

SCHNIZER, RICHARD A

ART UNIT	PAPER NUMBER
----------	--------------

1635

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

09/20/2011

ELECTRONIC

## ACKNOWLEDGEMENT OF REQUEST

*Notice of Allowance/Allowability Mailed*

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101  
Application Assistance Unit  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

September 18, 2011

ANDREWS KURTH LLP  
1350 I STREET, N.W.  
SUITE 1100  
WASHINGTON DC 20005

In re Application of	:	
Lakshman R. Sehgal et al.	:	<b>DECISION ON PETITION</b>
Application No. 12778360	:	
Filed: 05/12/2010	:	<b>ACCEPTANCE OF COLOR</b>
Attorney Docket No. 1004-023 (194156)	:	<b>DRAWINGS</b>

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 12, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/  
Quality Control Specialist  
Office of Data Management  
Publications Branch





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/778,360	05/12/2010	Lakshman R. SEHGAL	1004-023 (194156)	6276
38598 7590 10/06/2011 ANDREWS KURTH LLP 1350 I STREET, N.W. SUITE 1100 WASHINGTON, DC 20005			EXAMINER SCHNIZER, RICHARD A	
			ART UNIT 1635	PAPER NUMBER
			NOTIFICATION DATE 10/06/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTODC@andrewskurth.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

October 6, 2011

ANDREWS KURTH LLP  
1350 I STREET, N.W.  
SUITE 1100  
WASHINGTON DC 20005

In re Application of :  
Lakshman R. Sehgal et al. : **DECISION ON PETITION**  
Application No. 12778360 :  
Filed: 5/12/2010 :  
Attorney Docket No. 1004-023 (194156) :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84(a)(2), received in the United States Patent and Trademark Office (USPTO) May 12, 2010.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFS filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

*"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."*

The petition did not meet the following requirement(s). 1 ☐ 2 ☒ 3 ☐

The petition states that all drawings were filed in color, i.e., "three color sets of Figures 1-16D" and "three sets of color drawings for Figures 1-16". Several drawings are in black and white.

***A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.***

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/  
Office of Data Management  
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/778,394	05/12/2010	John Partridge	36314-706.201

**CONFIRMATION NO. 6351**

**CONVERSION REQUEST**



\*OC000000043913372\*

21971  
WILSON, SONSINI, GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO, CA 94304-1050

Date Mailed: 10/13/2010

**DECISION GRANTING REQUEST TO CONVERT TO PROVISIONAL**

This is a decision on the request under 37 CFR 1.53(c)(2) received in the U.S. Patent and Trademark Office on **07/16/2010**, to convert the above-identified application to a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c).

The request is granted.

The application will be processed in the Office of Patent Application Processing (OPAP) as a provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(c), including the assignment of a new provisional application number.

The provisional application number is **61/397,699**. The filing receipt for the provisional application number will be mailed to the applicant by OPAP in due course.

---

SHIRLEY A HOLMES

Office of Patent Application Processing (OPAP)  
(571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**LEVENFELD PEARLSTEIN, LLC  
(ILLINOIS TOOL WORKS)  
2 NORTH LASALLE STREET  
SUITE 1300  
CHICAGO IL 60602**

**MAILED**

**JAN 31 2012**

**OFFICE OF PETITIONS**

**In re Application of  
BOBREN, et al  
Application No.: 12/778,404  
Filed: May 12, 2010  
Attorney Docket No.: 22737 (35371-  
79581)  
For: ANTI-ROTATION SYSTEM FOR  
STRAP DISPENSER OUTER FLANGE**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed January 5, 2012, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, NBPR, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application is being forwarded to Technology Center Art Unit 3654 for action on the merits commensurate with this decision.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

The Belles Group, P.C.  
1518 Walnut Street  
Suite 1706  
Philadelphia PA 19102

MAILED SEP 01 2010

In re Application of: Harry T. Rieth	:	
Application No.: 12/778406	:	DECISION ON PETITION TO
Filed: May 12, 2010	:	MAKE SPECIAL FOR NEW
Title: APPARATUS, METHOD AND SYSTEM FOR	:	APPLICATION UNDER 37
DETERMINING A PHYSIOLOGICAL CONDITION	:	C.F.R. § 1.102 & M.P.E.P. §
WITHIN A MAMMAL	:	708.02

This is a decision on the petition filed on May 12, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview.

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable; and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I: 1-4, II: 1-5, 5.3, 6, 6.1, 6.2, 6.3, 6.4 and 6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, 5.2, and 6.5 above. Therefore,



the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to “the petition” hereinbelow, the received papers under consideration include the PTO/SB/28 form, the “pre-examination search document” including pages 1-23; the “accelerated examination support document” comprising pages 1-98, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 600 subclasses 304, 372, 373, 376, 546, 547, 549, 587, 38, 3. Searching in class 374 subclasses 102 and 103; class 204 subclasses 228.6, 228.1 and 193; and class 324 subclass 425 also appear on point.

Regarding the requirements of section II element 6.4 outlined above, the petition fails to identify a concise statement of the utility of the invention as defined in each of the independent claims. A general statement directed to the overall concept of the invention is not specifically relating the utility to each of the independent claims as is required by the policy. Petitioner should reference the independent claims specifically when discussing the utility of the invention.

Regarding the requirements of section II element 6.5 outlined above, the requirements of this section are not met. A grantable petition requires petitioner to provide a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists. In the instant petition, support has not been shown for PCT/US09/52696 which foreign priority is claimed.

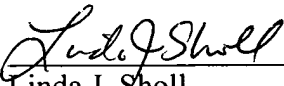
### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.

  
\_\_\_\_\_  
Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

The Belles Group, P.C.  
1518 Walnut Street  
Suite 1706  
Philadelphia PA 19102

MAILED OCT 04 2010

In re Application of: Harry T. Rieth	:	
Application No.: 12/778406	:	DECISION ON PETITION TO
Filed: May 12, 2010	:	MAKE SPECIAL FOR NEW
Title: APPARATUS, METHOD AND SYSTEM FOR	:	APPLICATION UNDER 37
DETERMINING A PHYSIOLOGICAL	:	C.F.R. § 1.102 & M.P.E.P. §
CONDITION WITHIN A MAMMAL	:	708.02

This is a decision on the renewed petition filed on October 1, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:


If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



Linda Sholl, Special Programs Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAIL**

OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK NY 10036-8403

SEP 03 2010  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of	:	
TSURUOKA, TAKAO	:	DECISION ON REQUEST TO
Application No. 12/778,440	:	PARTICIPATE IN PATENT
Filed: May 12, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. P/5261-5 (V15586)	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 14, 2010 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michael Horabik at 571-272-3068.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Michael Horabik/

---

Michael Horabik  
Quality Assurance Specialist  
Technology Center 2600  
Communications



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 26,2011

In re Application of :

Hironobu ANDO

### DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12778447

Filed : 12-May-2010

Attorney Docket No : H-1004K

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 26,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2839 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12778447	
Filing Date	12-May-2010	
First Named Inventor	Hironobu ANDO	
Art Unit	2839	
Examiner Name	JEAN DUVERNE	
Attorney Docket Number	H-1004K	
Title	DETACHABLE CONNECTOR	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/kubotera/
Name	Kazunao Kubotera
Registration Number	51194

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **F750R** Application Number (if known): **12/778,514** Filing date: **05/12/2010**

First Named Inventor: **Joseph D. Brostmeyer**

Title: **Apparatus and process for separating CO2 from a flue gas**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature **/John Ryznic/**

Date **08/26/2011**

Name (Print/Typed) **John Ryznic**

Registration Number **40,451**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/778,514	05/12/2010	Joseph D. Brostmeyer	F750R	6565
75552 7590 09/07/2011 JOHN RYZNIC FLORIDA TURBINE TECHNOLOGIES, INC. 1701 MILITARY TRAIL, SUITE 110 JUPITER, FL 33458-7887				
EXAMINER				
ART UNIT			PAPER NUMBER	
3744				
MAIL DATE			DELIVERY MODE	
09/07/2011			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



**JOHN RYZNIC  
FLORIDA TURBINE TECHNOLOGIES, INC.  
1701 MILITARY TRAIL, SUITE 110  
JUPITER FL 33458-7887**

# DECISION ON PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3744 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/778,570	05/12/2010	Takayuki AKABOSHI	1131-0646PUS1	6676
2292 7590 04/20/2011 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
ART UNIT		PAPER NUMBER		
2855				
NOTIFICATION DATE		DELIVERY MODE		
04/20/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH VA 22040-0747**

**In re Application of**

**AKABOSHI et al.**

**Application No.: 12/778,570**

**Filed: 12 May 2010**

**Attorney Docket No.: 1131-0646PUS1**

**For: DEVICE FOR DETECTING  
ABNORMALITY IN A SECONDARY  
BATTERY**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 17 March 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;

2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.



Lee W. Young  
TQAS, Technology Center 2800 – Semiconductors  
Electrical & Optical Systems & Components



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

GREENLEE SULLIVAN P.C.  
4875 PEARL EAST CIRCLE  
SUITE 200  
BOULDER CO 80301

**MAILED**

FEB 09 2012

**OFFICE OF PETITIONS**

In re Application of  
Rogers et al.  
Application No. 12/778,588  
Filed: 05/12/2010  
Attorney Docket No. 60-09

ON PETITION

This is in response to the PETITION REGARDING COLOR DRAWINGS UNDER 37 CFR 1.84(2), filed in the United States Patent and Trademark Office (USPTO) on May 12, 2010, which is treated as a petition to accept color drawings or photographs under 37 CFR 1.84(a)(2).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled, "Renewed Petition under 37 CFR 1.84(a)(2)". No further petition fee is required for a renewed petition.

37 CFR 1.84(a)(2) states that the Office will accept color drawings only after granting a petition explaining why color drawings are necessary. The petition must include:

- (i) The fee set forth in 1.17(h);
- (ii) Three (3) sets of color drawings;<sup>1</sup>
- (iii) An amendment to the specification to insert (unless the specification contains or has been previously amended to contain) the following language as the first paragraph of the brief description of the drawings:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

<sup>1</sup> The requirement for three (3) sets of color drawings is not applicable to color drawings submitted via EFS-Web. Therefore, only one set of color drawings is necessary when filing via EFS-Web. See MPEP 502.05(VIII)(C).

In addition, MPEP 608.02 states that a petition to accept color drawings will only be granted where the Office "has determined that a color drawings or photograph is the only practical medium by which to disclose in a printed utility patent the subject matter to be patented."

Petitioners assert that color drawings are necessary as the only practical medium by which to disclose the subject matter sought to be patented.

The Office has determined, however, that color drawings or photographs are not the only practical medium by which to disclose in a printed utility patent the subject matter to be patented. MPEP 608.02, Section IX, DRAWINGS SYMBOLS provide graphic symbols that should be used to indicate various materials where the material is an important feature of the invention.

As color drawings or photographs are not required for an understanding of the invention sought to be patented, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop Petitions  
                                    Commissioner for Patents  
                                    PO Box 1450  
                                    Alexandria VA 22313-1450

By FAX:                      571-273-8300  
                                    Attn: Office of Petitions

A reply may also be filed via EFS-Web.

The application is being forwarded to Group Art Unit 2822.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BAKER BOTTS LLP  
C/O INTELLECTUAL PROPERTY DEPARTMENT  
THE WARNER, SUITE 1300  
1299 PENNSYLVANIA AVE, NW  
WASHINGTON DC 20004-2400

**MAILED**  
**MAR 28 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Abney et al. :  
Application No. 12/778,631 :  
Filed: May 12, 2010 :  
Attorney Docket No. 018853.0796 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to file Missing Parts of a Nonprovisional Application which was mailed on May 26, 2010. The Notice to File Missing Parts set an extendable two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on July 27, 2010. A Notice of Abandonment was mailed on February 11, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the declaration and replacement drawings (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant  
Petitions Attorney  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/778,655	05/12/2010	Kevin MORAN	RR-743 (21664-17)	6851
7590 01/23/2012				
RODMAN RODMAN 10 STEWART PLACE SUITE 2CE WHITE PLAINS, NY 10603				
EXAMINER BULLOCK, IN SUK C				
ART UNIT		PAPER NUMBER		
1772				
MAIL DATE		DELIVERY MODE		
01/23/2012		PAPER		

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : December 5, 2011

In re Application of :

Ronald Hessing

Application No : 12778677

Filed : 12-May-2010

Attorney Docket No : 84106(305512)

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 5, 2011

The request is **APPROVED**.

The request was signed by George Chaclas (registration no. 46608 ) on behalf of all attorneys/agents associated with Customer Number 21874 . All attorneys/agents associated with Customer Number 21874 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Ronald Hessing  
Name2 Zen Data Safe Laboratories  
Address 1 Calle 90 No. 65-61 T9 APT 403  
Address 2  
City Barranquilla  
State  
Postal Code  
Country CO

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12778677	
Filing Date	12-May-2010	
First Named Inventor	Ronald Hessing	
Art Unit	3691	
Examiner Name	ABHISHEK VYAS	
Attorney Docket Number	84106(305512)	
Title	DATA INSURANCE SYSTEM BASED ON DYNAMIC RISK MANAGEMENT	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		21874 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Ronald Hessing Zen Data Safe Laboratories	
Address	Calle 90 No. 65-61 T9 APT 403	
City	Barranquilla	
State		
Postal Code		
Country	CO	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/George Chaclas/
Name	George Chaclas
Registration Number	46608



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CONNOLLY BOVE  
LODGE & HUTZ LLP  
(FOR IBM YORKTOWN)  
P.O. BOX 2207  
WILMINGTON DE 19899-2207

**MAILED**

AUG 16 2010

In re Application of	:	OFFICE OF PETITIONS
Cotte, et al.	:	
Application No. 12/778,689	:	DECISION
Filed/Deposited: 12 May, 2010	:	
Attorney Docket No. YOR920090284US1	:	

This is a decision on the petition filed on 16 July, 2010, and properly considered under 37 C.F.R. §1.53, to obtain a filing date for the instant application.

The petition under 37 C.F.R. §1.53 is **GRANTED in part** and **DISMISSED in part**.

**BACKGROUND**

The record reflects as follows:

The instant application was deposited on 12 May, 2010.

On 26 May, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Incomplete Application (the Notice) and indicated therein that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. §113 (first sentence).

OPAP indicated that Petitioner might:

- contend via petition that the drawings were submitted (and evidence same with a copy of a date-stamped receipt card (see: MPEP §503)), or that drawings were not necessary for a filing date; or
- submit the drawings (with a new application) and accept the later date of submission as the filing date.

Application No. 12/778,689

OIPE set a two- (2-) month period for reply.

16 July, 2010, Petitioner filed, *inter alia*, filed a petition seeking a filing date of 12 May, 2010, for the instant application, and averred therein, *inter alia*, that drawings were not necessary for the understanding of the subject matter sought to be patented. Petitioner stated that drawings were not necessary for the understanding of the subject matter sought to be patented as to the instant application (in that it contains one or more method(s) claims), and that information is evident upon review of the file.

As discussed below, the presence of one or more method claims is controlling.

### ANALYSIS

A search of the official file reveals that:

- the instant application was deposited on 12 May, 2010, without drawings, and the Office transmitted to Petitioner on 26 May, 2010, a Notice of Incomplete Application;
- Petitioner does not contest that drawings were not deposited with the instant application, and does not provide any other evidence of receipt of such drawings by the Office

It is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for the understanding of the invention under 35 U.S.C. §113 (first sentence) (see : MPEP §601.01, and specifically MPEP §601.01(f)(A)).

A review of the application as deposited by Petitioner reveals that the application contains at least one method claim (e.g., Claim 1).

Thus, the argument of the petition is construed for the purposes of this decision to mean that drawings are not necessary for understanding of the subject matter sought to be patented, and thus for a filing date in this application.

In the absence of entry by the Examiner of an amendment, drawing(s) will not be further considered as a part of this application.

In view of the foregoing, the Notice mailed on 26 May, 2010, hereby is withdrawn to the extent that it indicates no filing date will be granted.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus,

now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### CONCLUSION

The petition under 37 C.F.R. §1.53 is **granted in part** to the extent that the application will be accorded the filing date of 12 May, 2010, without the drawings as part of the original disclosure of the application; in all other respects the petition **is dismissed**. The petition fee is waived and refunded *via* credit card—should Petitioner later find that the petition fee was not refunded, Petitioner should request a refund from the Office of Finance and enclose therewith a copy of this decision.

This application is released to the Office of Patent Application Processing (OPAP) (formerly the Office of Initial Patent Examination (OIPE)) to be processed for correction of the filing date to 12 May, 2010, with the 10 pages of specification (description, claims, and abstract), deposited on 12 May, 2010, and **no** drawings as the original disclosure.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/Caller's action(s).

/ John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> The regulations at 37 C.F.R. '1.2 provide:

**'1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO CA 94304-1018**

**MAILED**

**JUN 29 2011**

**OFFICE OF PETITIONS**

In re Application of  
Kuehne et al.  
Application No. 12/778,747  
Filed: May 12, 2010  
Attorney Docket No. 643552000600

:  
:  
: **DECISION ON PETITION**  
**TO WITHDRAW FROM RECORD**  
:  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 8, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Mika Mayer, on behalf of all attorneys/agents of record who are associated with Customer Number 25226.

All attorneys/agents associated with the Customer Number 25226 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the assignee at the address indicated below.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: AlterG, Inc.  
48438 Milmont Drive  
Fremont, CA 94538



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CONLEY ROSE, PC  
DAVID A. ROSE  
PO BOX 3267  
HOUSTON, TX 77253-3267

**MAILED**  
**DEC 16 2010**  
**OFFICE OF PETITIONS**

In re Application of  
Steven E. Engle, et al.  
Application No. 12/778,750  
Filed: May 12, 2010  
Attorney Docket No. 2416-00902

:  
:  
: DECISION ON PETITION  
:  
:

This is a decision on the petition under 37 CFR 1.182, filed, October 14, 2010, to change the order of the named inventors in the above-identified application.

The petition is **DISMISSED**.

The request cannot be granted because the application data sheet provided is unsigned.

In view of the above, the petition under § 1.182 to amend the order of inventors cannot be granted.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:**                      **Mail Stop PETITIONS**  
**Commissioner for Patents**  
**Post Office Box 1450**  
**Alexandria, VA 22313-1450**



By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to April M. Wise at (571) 272-1642.  
All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to April M. Wise at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CONLEY ROSE, PC  
DAVID A. ROSE  
PO BOX 3267  
HOUSTON, TX 77253-3267

**MAILED**

**MAR 10 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Steven E. Engle, et al. :  
Application No. 12/778,750 : **DECISION ON PETITION**  
Filed: May 12, 2010 :  
Attorney Docket No. 2416-00902 :

This is a decision on the renewed petition under 37 CFR 1.182, filed February 17, 2011, to change the order of the names of the inventors.

The petition is **GRANTED**.

Office records have been corrected to reflect the change in the order of the named inventors. A corrected Filing Receipt, which sets forth the desired order of the named inventors, accompanies this decision on petition.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

This application is being referred to Technology Center AU 2447 for examination in due course.

Telephone inquiries regarding this decision should be directed to the April M. Wise at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/778,750	05/12/2010	2447	462	2416-00902	16	2

CONFIRMATION NO. 7044

## CORRECTED FILING RECEIPT



OC000000046425193

23505  
CONLEY ROSE, P.C.  
David A. Rose  
P. O. BOX 3267  
HOUSTON, TX 77253-3267

Date Mailed: 03/09/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

Kathy J. MAIDA-SMITH, Houston, TX;  
Steven E. ENGLE, Garland, TX;  
Michael J. NIEVES, Seabrook, TX;

### Assignment For Published Patent Application

METASECURE CORPORATION, Houston, TX

**Power of Attorney:** The patent practitioners associated with Customer Number 23505

### Domestic Priority data as claimed by applicant

This appln claims benefit of 61/295,517 01/15/2010  
and claims benefit of 61/265,821 12/02/2009

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 05/21/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/778,750**

**Projected Publication Date:** 06/02/2011

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

POLICY DIRECTED SECURITY-CENTRIC MODEL DRIVEN ARCHITECTURE TO SECURE  
CLIENT AND CLOUD HOSTED WEB SERVICE ENABLED PROCESSES

**Preliminary Class**

709

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/778,778	05/12/2010	Noriaki Toya	6639P943	7108

8791 7590 04/14/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
----------

GLESSNER, BRIAN E

ART UNIT	PAPER NUMBER
3633	

MAIL DATE	DELIVERY MODE
04/14/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





UNITED STATES PATENT AND TRADEMARK OFFICE

APR 13 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE CA 94085-4040

In re application of	:	<b>DECISION ON REQUEST TO</b>
Noriaki Toya	:	<b>PARTICIPATE IN PATENT</b>
Application No. 12/778,778	:	<b>PROSECUTION HIGHWAY</b>
Filed: May 12, 2010	:	<b>PROGRAM AND PETITION</b>
For: DISPLAY DEVICE AND FRAME	:	<b>TO MAKE SPECIAL UNDER</b>
BODY FOR DISPLAY DEVICE	:	<b>37 CFR 1.102(a)</b>

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 10, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest Office action from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO Office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the preliminary amendment filed February 10, 2010. The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 04/13/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**JENKINS, WILSON, TAYLOR & HUNT, P.A.**  
**3100 Tower Blvd.**  
**Suite 1200**  
**Durham, NC 27707**

**MAILED**  
**SEP 09 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Timothy W. Barefoot	:	
Application No. 12/778,788	:	DECISION ON PETITION
Filed: May 12, 2010	:	TO WITHDRAW
Attorney Docket No. 1742/5/2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David M. Sigmon on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Timothy W. Barefoot at the address indicated below.

There is an outstanding Office action mailed June 16, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **Timothy W. Barefoot**  
**133 Cheyenne Trail**  
**Wilmington, NC 28409**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/778,788	05/12/2010	Timothy W. Barefoot	1742/5/2

25297  
JENKINS, WILSON, TAYLOR & HUNT, P. A.  
3100 Tower Blvd.  
Suite 1200  
DURHAM, NC 27707

**CONFIRMATION NO. 7132**  
**POWER OF ATTORNEY NOTICE**



Date Mailed: 09/07/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 08/18/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**LUIZ B. DASILVA  
1995 CAMINO RAMON PL.  
DANVILLE CA 94526**

**MAILED**

**JUL 19 2011**

In re Application of	:	OFFICE OF PETITIONS
Dasilva et al.	:	
Application No. 12/778,843	:	DECISION ON PETITION
Filed: May 12, 2010	:	
Title: Tissue Probe With Speed Control	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 27 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 25, 2010 and the Notice of Incomplete Reply (Nonprovisional) mailed July 26, 2010. The original Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned July 27, 2010. A Notice of Abandonment was mailed May 23, 2011.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3) of the above items.

The petition must be signed by:

- (1) An attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;

(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or

**(5) All of the applicants (§§ 1.42.1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.**

Further, only one of the two listed inventors has signed the instant petition. As discussed above, all of the inventors are required to sign the petition.

Additionally, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail:        Mail Stop PETITIONS  
                  Commissioner for Patents  
                  Post Office Box 1450  
                  Alexandria, VA 22313-1450

By hand:        U.S. Patent and Trademark Office  
                  Customer Service Window, Mail Stop Petitions  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

By fax:         (571) 273-8300  
                  ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc:    Luiz Da Silva  
       6248 Preston Avenue  
       Livermore, CA 94551



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**LUIZ B. DASILVA  
1995 CAMINO RAMON PL.  
DANVILLE CA 94526**

**MAILED  
AUG 17 2011  
OFFICE OF PETITIONS**

In re Application of :  
Dasilva et al. :  
Application No. 12/778,843 : **DECISION ON PETITION**  
Filed: May 12, 2010 :  
Title: Tissue Probe With Speed Control :

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed August 2, 2011, to revive the above-identified application

The petition is **GRANTED**.

The application became abandoned for failure to reply in a proper and timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 25, 2010 and the Notice of Incomplete Reply (Nonprovisional) mailed July 26, 2010. The original Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 27, 2010. A Notice of Abandonment was mailed May 23, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Additional claim fees of \$195.00, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

/Joan Olszewski/  
Joan Olszewski  
Petition Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**Black, Lowe, Graham  
701 5th Ave., Suite 4800  
Seattle WA 98104**

**MAILED**

**NOV 12 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
William E. Luce	:	
Application No. 12/778,852	:	DECISION ON PETITION
Filed: May 12, 2010	:	TO WITHDRAW
Attorney Docket No. GORI-1-1023	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 19, 2010.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83139370

Application Number  
(if known): 12/778,894

Filing date: May 12, 2010

First Named  
Inventor: Christopher Parnin

Title: DIESEL PARTICULATE FILTER CONTROL

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature

Name  
(Print/Typed) John D. Russell

Date

2/16/11

Registration Number 47,048

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒

\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Christopher Parnin  
Application No. : 12/778,894  
Filed : May 12, 2010  
Title : DIESEL PARTICULATE FILTER CONTROL  
Group Art Unit : 3748  
Confirmation No. : 7367  
Docket No. : 83139370

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

February 16, 2011  
Date

  
Caitlin Turnbull

**STATEMENTS OF SPECIAL STATUS**

Applicant respectfully requests consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicant submits that special status is sought on the following basis: the claimed invention materially enhances the quality of the environment.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim.

Applicant submits that the claimed invention materially enhances the quality of the environment by reducing emissions of particulate matter (PM), which negatively impacts the quality of the environment. Specifically, the claimed invention enhances the detection of PM so that conditions indicating filter degradation can be determined and the filter properly replaced or serviced. As explained in the Background and Summary of the subject application, emission control devices, such as diesel particulate filters (DPF), may reduce the amount of particulate matter emissions (such as, soot) from a diesel engine by

trapping the particles. Such devices may be regenerated during engine operation to decrease the amount of trapped particulate matter (for example, by burning) and maintain the collection capacity of the device.

The amount of PM released from the DPF may be estimated based on sensor readings. Such commonly used PM sensors may be configured to detect the presence of PMs electrically, based on a change in resistance or capacitance across an electrical circuit. Such sensors may have a "dead-band" during which PMs may have to accumulate before the sensor is able to respond. This additional time required to detect PMs may delay the determination and initiation of filter regeneration. As another example, the use of input from CO<sub>2</sub> sensors that sense exhaust CO<sub>2</sub> levels in determining filter regeneration may reduce the system's ability to accurately estimate the soot load on the filter due to an indirect correlation between filter soot levels and exhaust CO<sub>2</sub> levels. Since the exhaust CO<sub>2</sub> level is more representative of combustion conditions, a soot load may be inferred but not accurately determined. The claimed invention addresses the above issues by sensing CO<sub>2</sub> produced from oxidized, post-filter exhaust PM. For example, claim 1 recites:

A method for monitoring particulate matter (PM) emissions from an engine exhaust including a particulate filter, comprising,  
indicating filter degradation based on a CO<sub>2</sub> signature of oxidized, post-filter exhaust PMs.

That is, particulate matter emissions from an engine exhaust can be monitored for filter degradation by sensing a CO<sub>2</sub> signature of oxidized, post-filter PMs.

In this way, CO<sub>2</sub> may be generated by oxidation of the PM by a heated substrate. Since the generated CO<sub>2</sub> is largely dependent on the quantity of exhaust soot oxidized on the heated substrate, a direct correlation may be made between the estimated exhaust CO<sub>2</sub> level and an exhaust soot level. In other words, the CO<sub>2</sub> sensor may be used as a PM sensor. The controller may then adjust engine operation and perform filter diagnostics based on the CO<sub>2</sub> signature, thus improving the monitoring of filter degradation. By improving accuracy in filter diagnostics, the quality of exhaust emissions may be improved in that degraded filters can be more accurately detected and identified for service or replacement. Otherwise, engines may continue to operate with degraded filters, thus reducing the quality of the environment through increased PM emissions.

Please charge any cost incurred in this filing, along with any other costs, to  
Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP



---

John D. Russell

Registration No. 47,048

Customer No. 36865

Attorney/Agent for Applicant/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

12/778,894

05/12/2010

Christopher Parnin

83139370

7367

36865

7590

02/24/2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND, OR 97205

EXAMINER

ART UNIT

PAPER NUMBER

3748

MAIL DATE

DELIVERY MODE

02/24/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
PARNIN, CHRISTOPHER	:	DECISION ON PETITION
Application No. 12/778,894	:	TO MAKE SPECIAL UNDER
Filed: May 12, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 8313970	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 16, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **granted**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 83151767

Application Number  
(if known): 12/778,929

Filing date: May 12, 2010

First Named  
Inventor: Christopher Parnin

Title: DIESEL PARTICULATE FILTER CONTROL

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

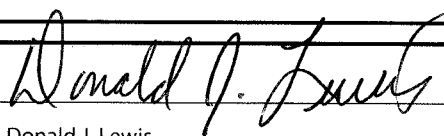
3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment

Signature



Date

2/17/2011

Name  
(Print/Typed) Donald J. Lewis

Registration Number 55,813

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒

\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Christopher Parnin  
Application No. : 12/778,929  
Filed : May 12, 2010  
Title : DIESEL PARTICULATE FILTER CONTROL  
Group Art Unit : 3748  
Confirmation No. : 7429  
Docket No. : 83151767

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on:

February 17, 2011  
Date

Caitlin Faekrell  
Caitlin Faekrell

**STATEMENTS OF SPECIAL STATUS**

Applicant respectfully requests consideration of the following statement concerning the basis for the special status as well as the following statement pertaining to the materiality standard.

*I. Statement concerning the basis for special status.*

Applicant submits that special status is sought on the following basis: the claimed invention materially enhances the quality of the environment.

*II. Statement pertaining to the materiality standard.*

As a preliminary matter, Applicant notes that the following statement refers explicitly to the elements of independent claim 1, which is the broadest claim.

Applicant submits that the claimed invention materially enhances the quality of the environment by reducing emissions of particulate matter (PM), which negatively impacts the quality of the environment. Specifically, the claimed invention enhances the detection of PM in controlling filter regeneration, thus enabling more efficient and more effective filter regeneration, thus lowering PM emissions from the engine. As explained in the Background and Summary of the subject application, emission control devices, such

as diesel particulate filters (DPF), may reduce the amount of particulate matter emissions (such as soot) from a diesel engine by trapping the particles. Such devices may be regenerated during engine operation to decrease the amount of trapped particulate matter (for example, by burning) and maintain the collection capacity of the device.

The amount of PM released from the DPF may be estimated based on sensor readings. Such commonly used PM sensors may be configured to detect the presence of PMs electrically, based on a change in resistance or capacitance across an electrical circuit. Such sensors may have a “dead-band” during which PMs may have to accumulate before the sensor is able to respond. This additional time required to detect PMs may delay the determination and initiation of filter regeneration. As another example, the use of input from CO<sub>2</sub> sensors that sense exhaust CO<sub>2</sub> levels in determining filter regeneration may reduce the system’s ability to accurately estimate the soot load on the filter due to an indirect correlation between filter soot levels and exhaust CO<sub>2</sub> levels. Since the exhaust CO<sub>2</sub> level is more representative of combustion conditions, a soot load may be inferred but not accurately determined. The claimed invention addresses the above issues by sensing CO<sub>2</sub> produced from oxidized, post-filter exhaust PM. For example, claim 1 recites:

A method for monitoring particulate matter (PM) emissions from an engine exhaust including a particulate filter, comprising,  
controlling filter regeneration based on a CO<sub>2</sub> signature of oxidized, post-filter exhaust PMs.

That is, particulate matter emissions from an engine exhaust can be monitored by sensing a CO<sub>2</sub> signature of oxidized, post-filter PMs, and filter regeneration control may be based on the signature.

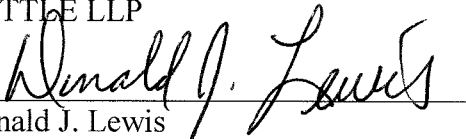
In this way, CO<sub>2</sub> may be generated by oxidation of the PM by a heated substrate. Since the generated CO<sub>2</sub> is largely dependent on the quantity of exhaust soot oxidized on the heated substrate, a direct correlation may be made between the estimated exhaust CO<sub>2</sub> level and an exhaust soot level. In other words, the CO<sub>2</sub> sensor may be used as a PM sensor. The controller may then adjust engine operation and perform more appropriately timed and more efficient filter diagnostics and filter regeneration based on the CO<sub>2</sub> signature, thus improving the PM trapping of the filter overall. By improving accuracy in filter diagnostics and regeneration, the quality of exhaust emissions may be improved in

that less PM emissions may escape into the atmosphere, thus enhancing the quality of the environment.

Please charge any cost incurred in this filing, along with any other costs, to Deposit Account No. 06-1510.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP



Donald J. Lewis

Registration No. 55,813

Customer No. 36865

Attorney/Agent for Applicant/Assignee

806 S.W. Broadway, Suite 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

12/778,929

05/12/2010

Christopher Parnin

83151767

7429

36865

7590

02/24/2011

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND, OR 97205

EXAMINER

ART UNIT

PAPER NUMBER

3748

MAIL DATE

DELIVERY MODE

02/24/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ALLEMAN HALL MCCOY RUSSELL & TUTTLE, LLP  
806 S.W. BROADWAY, SUITE 600  
PORTLAND OR 97205

In re Application of	:	
PARNIN, CHRISTOPHER	:	DECISION ON PETITION
Application No. 12/778,929	:	TO MAKE SPECIAL UNDER
Filed: June 12, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83151767	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed Feb. 17, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is Granted.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

This application will be forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700

## SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12-20-11 Paper No.: \_\_\_\_\_  
TO SPE OF : ART UNIT 306  
SUBJECT : Request for Certificate of Correction for Appl. No.: 12/778936 Patent No.: 7485039  
CofC mailroom date: 12-5-11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:** Should Drawings be approved

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)  
Randolph Square – 9D10-A  
Palm Location 7580

E. Hwang

Certificates of Correction Branch

703-756-1814 \_\_\_\_\_

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. GLENN DAYOAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

[Signature]  
SPE

Art Unit





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/778,938	05/12/2010	Stefan Irion	36588-735.201	7447
21971 7590 12/21/2010 WILSON, SONSINI, GOODRICH & ROSATI 650 PAGE MILL ROAD PALO ALTO, CA 94304-1050			EXAMINER QIAN, CELINE X	
			ART UNIT 1636	PAPER NUMBER
			MAIL DATE 12/21/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

DEC 21 2010

WILSON, SONSINI, GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO CA 94304-1050

In re Application of:  
Stefan Irion

Serial No.: 12/778,938

Filed: May 12, 2010

Docket No.: 36588-735.201

DECISION ON REQUEST FOR  
CONSIDERATION TO MAKE  
SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **INTEGRATION-FREE HUMAN  
INDUCED PLURIPOTENT STEM  
CELLS FROM BLOOD**

This is a decision on the request for reconsideration filed on August 9, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the

examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

7. Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

8. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

9. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

10. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

11. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Marianne C. Seidel, Quality Assurance Specialist, at (571) 272-0584.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

**MAILED**  
**JAN 17 2012**  
**OFFICE OF PETITIONS**

**SEAN W. GOODWIN**  
**222 PARKSIDE PLACE**  
**602-12 AVENUE S.W.**  
**CALGARY AB T2R 1J3 CA CANADA**

In re Application of : DECISION ON REQUEST TO  
Boris (Bruce) P. CHEREWYK : PARTICIPATE IN PPH PROGRAM  
Application No. 12/778,945 : AND PETITION TO MAKE SPECIAL  
Filed: May 12, 2010 : UNDER 37 CFR 1.102(a)  
Atty. Docket No.: 2440-026 US :  
For: RADIAL BALL INJECTING APPARATUS FOR WELLBORE OPERATIONS

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 6, 2011 to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH (patent prosecution highway) program and petition to make special require:

- (1) the U.S. application and the Canadian Intellectual Property Office (CIPO) application have the same priority or filing date;
- (2) applicant must submit a copy of the allowable/patentable claim(s) from the CIPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the CIPO application(s);
- (4) examination of the U.S. application has not begun;
- (5) applicant must submit a copy of all the office actions from each of the CIPO application(s) containing the allowability/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and

(6) applicant must submit an IDS listing the documents cited by the CIPPO examiner in the CIPPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petition Attorney, Office of Petitions at 571-272-8427.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

This application will be forwarded to Technology Center Art Unit 3672 for action commensurate with this decision.

A handwritten signature in black ink, appearing to read "David Bucci", with a stylized flourish at the end.

David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**SHEPPARD, MULLIN, RICHTER & HAMPTON LLP**  
**12275 EL CAMINO REAL, SUITE 200**  
**SAN DIEGO CA 92130**

**MAILED**

**AUG 24 2011**

In re Application of  
Jeremiah Sawyer Sullivan  
Application No. 12/778,983  
Filed: May 12, 2010  
Attorney Docket No. 21SV-153001

:  
:  
:  
:  
:  
:

**OFFICE OF PETITIONS**

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 11, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71, who has properly intervened. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment, must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO IL 60661

**MAILED**

**AUG 12 2010**

**OFFICE OF PETITIONS**

In re Application of

John T. Felts et al.

Application No. 12/779,007

Filed: May 12, 2010

Attorney Docket No. **20675US11**

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 12, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.


A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by a registered attorney. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for action on the merits commensurate with this decision.

  
JoAnne Burke  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Raj Abhyanker, P.C.  
1580 West, El Camino Real,  
Suite 8  
Mountain View CA 94040

Paper No.  
**MAILED**  
**APR 21 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Candea et al. :  
Application No. 12/779,040 : LETTER REGARDING  
Filed: May 12, 2010 : FEE DEFICIENCY PAYMENT  
Atty Docket No. 00107.00003US1:

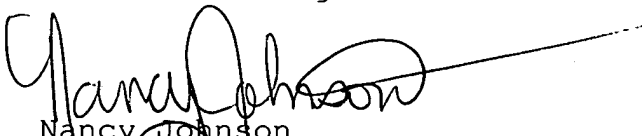
This is in response to the paper styled "CORRECTING ERRORS IN SMALL ENTITY STATUS" filed March 15, 2011, which is properly treated as a notification of loss of entitlement to small entity status.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

This letter includes an itemization of the fee deficiencies and payment as required by 37 CFR 1.28(c)(2)(ii).

Your notification of a loss of entitlement to small entity status is made of record and your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

  
Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

WHITHAM, CURTIS & CHRISTOFFERSON & COOK, PC  
11491 SUNSET HILLS ROAD  
SUITE 340  
RESTON, VA 20190

**MAILED**

**AUG 16 2010**

**OFFICE OF PETITIONS**

In re Application of  
Kelman I. Cohen, et al.  
Application No. 12/779,108  
Filed: May 13, 2010  
Attorney Docket No. 06940001PC

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed July 14, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant Kelman I. Cohen's passport. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1611 for action on the merits commensurate with this decision.

/AMW/  
April M. Wise  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

NOVOZYMES NORTH AMERICA, INC.  
500 FIFTH AVENUE  
SUITE 1600  
NEW YORK NY 10110

**MAILED**

MAR 16 2011

**OFFICE OF PETITIONS**

In re Application of  
Kirk Schnorr et al.  
Application No. 12/779,112  
Filed: May 13, 2010  
Attorney Docket No.: 10017.230-US

**ON PETITION**

This is a decision on the petition filed February 7, 2011 under 37 CFR 1.137(b),<sup>1</sup> to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned November 5, 2010 for failure to timely reply to the non-Final Office Action mailed August 4, 2010. A shortened statutory period of three months was set. Accordingly, a Notice of Abandonment was mailed February 10, 2011, after the filing of the instant petition.

The record reveals that a three month extension of time was filed with the instant petition, however, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1110.00 extension of time fee submitted with the petition on February 7, 2011, was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to counsel's deposit account no. 50-1701.

<sup>1</sup>Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

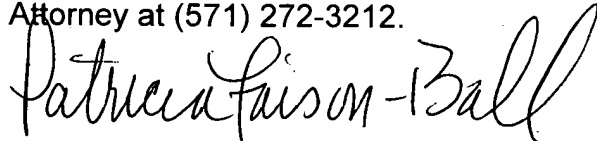
(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

This matter is being referred to Technology Center 1652 for appropriate action on the amendment filed February 7, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large, prominent "P" and "B".

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,199	05/13/2010	Thomas Craig Kevern	035718/389382	8021
29122 7590 01/10/2011 ALSTON & BIRD LLP PIONEER HI-BRED INTERNATIONAL, INC. BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER KRUSE, DAVID H	
			ART UNIT 1638	PAPER NUMBER
			MAIL DATE 01/10/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JAN 10 2011

ALSTON & BIRD LLP  
PIONEER HI-BRED INTERNATIONAL, INC.  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE NC 28280-4000

In re Application of:

Thomas C. Kevern

Serial No.: 12/779,199

Filed: May 13, 2010

Attorney Docket No.: 035718/389382

:  
:  
: PETITION DECISION  
:  
:

This is in response to the petition under 37 CFR § 1.59(b), filed December 23, 2010, to expunge information from the above identified application. This application is under final and prosecution is closed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on December 28, 2010 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**JAMES C. EAVES JR.  
GREENEBAUM DOLL & MCDONALD PLLC  
3500 NATIONAL CITY TOWER  
101 SOUTH FIFTH STREET  
LOUISVILLE KY 40202**

**MAILED**

**OCT 25 2011**

**OFFICE OF PETITIONS**

In re Application of  
Gregory C. Jones  
Application No. 12/779,213  
Filed: May 13, 2010  
Attorney Docket No. 117998.000001

:  
:  
: **DECISION ON PETITION  
TO WITHDRAW FROM RECORD**  
:  
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 7, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by James C. Eaves, Jr. on behalf of all attorneys of record who are associated with Customer Number 23828.

All attorneys/agents associated with the Customer Number 23828 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is no outstanding Office action mailed that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

/Joan Olszewski/  
Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Gregory C. Jones  
4305 Van Thompson Road  
Owingsville, KY 40360





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,275	05/13/2010	Yusuke OISHI	122.1779	8178
EXAMINER				
ART UNIT PAPER NUMBER				
2123				
MAIL DATE DELIVERY MODE				
09/08/2011 PAPER				

7590 09/08/2011  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**  
*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,281	05/13/2010	JOSEPH BALARDETA	PU2707	8197
23454 7590 08/13/2010 CALLAWAY GOLF COMPANY 2180 RUTHERFORD ROAD CARLSBAD, CA 92008-7328			EXAMINER	
			ART UNIT	PAPER NUMBER
			2612	
			NOTIFICATION DATE	DELIVERY MODE
			08/13/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MikeCa@callawaygolf.com  
Becca.Hanovice@callawaygolf.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CALLAWAY GOLF COMPANY  
2180 RUTHERFORD ROAD  
CARLSBAD CA 92008-7328

In re Application of:  
BALARDETA, JOSEPH, et al.  
Serial No.: 12/779,281  
Filed: May 13, 2010

Title: **CIRCUIT FOR TRANSMITTING A RFID  
SIGNAL**

:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02

This is a decision on the petition filed on May 13, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for accelerated examination under 37 C.F.R. § 1.102(d) because the application, at the time of filing, was informal and not ready for examination. A "Notice to File Missing Parts of Nonprovisional Application" was mailed on May 18, 2010.

Therefore, the petition is denied because the application was not complete at the time of filing as per item 3 above. The application will be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Doris To, Quality Assurance Specialist, at (571) 272-7629.

/Doris To/

---

Doris To  
Quality Assurance Specialist  
Technology Center 2600  
Communications

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12779369	
Filing Date	13-May-2010	
First Named Inventor	Ynjiun Wang	
Art Unit	2876	
Examiner Name	AHSHIK KIM	
Attorney Docket Number	H28132	
Title	DATA COLLECTION DEVICE HAVING DYNAMIC ACCESS TO MULTIPLE WIRELESS NETWORKS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/George S. Blasiak/
Name	George S. Blasiak
Registration Number	37283



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 19, 2012

In re Application of :

Ynjiun Wang

### DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12779369

Filed : 13-May-2010

Attorney Docket No : H28132

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed April 19, 2012 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 2876 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PHARMACIA CORPORATION  
c/o Pfizer Inc.  
Eastern Point Road, MS9114  
Groton CT 06340

**MAILED**

SEP 30 2010

**OFFICE OF PETITIONS**

In re Application of :  
Samit K. Bhattacharya :  
Application No. 12/779,379 : DECISION ON PETITION  
Filed: May 13, 2010 :  
Attorney Docket No. PC33694B :

This is a decision on the petition under 37 CFR 1.59(b), filed June 8, 2010, to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the preliminary amendment filed May 13, 2010, be expunged from the record. This was also the date of filing of the above identified application.


However, 37 CFR 1.59(a)(2) states:

Information forming part of the original disclosure (i.e., written specification including the claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under §§ 1.63 and 1.175) will not be expunged from the application file.

Accordingly, the preliminary amendment will not be expunged from the record pursuant to 37 CFR 1.59(b) even though it was mistakenly filed. Moreover, petitioner has not established that an extraordinary situation exists in which justice requires the requested expungement pursuant to a waiver of 37 CFR 1.59(a)(2) under 37 CFR 1.183, as discussed in MPEP 724.05 IV.

A petition filed under 37 CFR 1.59(b) requires a fee under § 1.17(g) which is currently \$200. The fee has been charged to petitioner's deposit account.

Telephone inquiries concerning this communication should be directed to the undersigned at (571) 272-6842.

  
Carl Friedman  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**  
**SEP 14 2010**  
**OFFICE OF PETITIONS**

HOOKE & HABIB, P.C.  
100 CHESTNUT STREET  
SUITE 304  
HARRISBURG PA 17101

In re Application of  
William M. Murray  
Application No. 12/779,447  
Filed: May 13, 2010  
Attorney Docket No. 1-1277

:  
:  
: **DECISION ON PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(c)(1)**  
:

This is a response to the petition under 37 CFR 1.102(c)(1), filed May 17, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.


A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from applicant William M. Murray that the applicant is 65 years of age or older as required under MPEP § 708.02. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to David Bucci at 571-272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3749 for action on the merits commensurate with this decision.

  
David Bucci  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **41033US** Application Number (if known): **12/779,451** Filing date: **05/13/2010**

First Named Inventor: **Thomas J. Wheeler**

Title: **ACCELERATING THE START-UP PHASE FOR A STEAM ASSISTED GRAVITY DRAINAGE OPERATION USING RADIO FREQUENCY OR MICROWAVE RADIATION**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statements of Special Status

Signature /richardyuen/

Date **November 19, 2010**

Name (Print/Typed): **Richard Yuen**

Registration Number **65287**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 12/779,451 Confirmation No.: 8533  
Applicant: Thomas J. Wheeler  
Filed: 05/13/2010  
TC/A.U.: 3676  
Examiner: Suchfield, George A  
Docket No.: 41033US  
Customer No.: 28841  
Title: ACCELERATING THE START-UP PHASE FOR A STEAM ASSISTED  
GRAVITY DRAINAGE OPERATION USING RADIO FREQUENCY OR  
MICROWAVE RADIATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**STATEMENTS OF SPECIAL STATUS**

Sir:

In furtherance to the accompanying Petition to Make Special under the Green Technology Pilot Program, Applicants submit the following in support thereof. The claimed invention in the above-identified application materially enhances the quality of the environment by producing oil from heavy oil in a reduced timeframe due to preheating with microwave frequencies. In particular, the invention reduces the startup time typically needed to produce oil in a low cost, low impact, and environmentally friendly way of introducing microwave frequencies downhole.

Respectfully Submitted,

Date: November 19, 2010

By: /richardyuen/  
Attorney  
Registration No. 65287  
Email: richard.y.yuen@conocophillips.com

CONOCOPHILLIPS COMPANY – I.P. LEGAL  
ATTN: Docketing  
600 N. Dairy Ashford, MA-1135  
Houston, Texas 77079  
(281) 293-4126  
(281) 293-2127 (Fax)



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,451	05/13/2010	Thomas J. Wheeler	41033US	8533

28841	7590	12/03/2010
ConocoPhillips Company - IP Services Group		
Attention: DOCKETING		
600 N. Dairy Ashford		
Bldg. MA-1135		
Houston, TX 77079		

EXAMINER
SUCHFIELD, GEORGE A

ART UNIT	PAPER NUMBER
3676	

NOTIFICATION DATE	DELIVERY MODE
12/03/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Legal-IP@conocophillips.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

DEC -2 2010

ConocoPhillips Company - IP Services Group  
Attention: DOCKETING  
600 N. Dairy Ashford  
Bldg. MA-1135  
Houston TX 77079

In re Application of	:	
Thomas WHEELER et al.	:	DECISION ON PETITION
Application No. 12/779,451	:	TO MAKE SPECIAL UNDER
Filed: September 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 41033US	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 19, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed

invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item(s) 4.

In regard to item 4, petitioner should note that the instant petition includes a statement identifying the basis for the special status as required by sections II and III of the notice. However, as stated in the notice, applicant must also provide a statement pertaining to the materiality standard if the application disclosure is not clear on its face as to the materiality of the basis for the special status of the invention. Petitioner asserts that the claimed invention *“materially enhances the quality of the environment by producing oil from heavy oil in a reduced timeframe due to preheating with microwave frequencies. In particular, the invention reduces the startup time typically needed to produce oil in a low cost, low impact, and environmentally friendly way of introducing microwave frequencies downhole.”* This statement is merely a speculation on how the instant invention can be used to materially enhance the quality of the environment. The claimed method of preheating a formation by injecting an activator (or an additive) into the formation would create significant disturbances or disruptions of underground formations, groundwater hydrology, and land surface such that it would negatively affect the quality of ground and surface water resources at the production location and adjacent areas. The activator can contaminate a potable groundwater aquifer or river system in the production location and adjacent areas. In addition, the activator must be recovered at the end of the production. The recovery process would cause further environmental problems in land and water resources. The availability of more oil for the world made possible by the SAGD process raises global emissions of CO<sub>2</sub>. Another potential problem includes greenhouse gas emission from operating a RF (or microwave) generator to preheat the activator. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of “Petition for Green Tech Pilot” on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.



The application is being forwarded to the Technology Center Art Unit 3676 for action in its regular turn.

/Lanna Mai/

---

Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**HOLTZ, HOLTZ, GOODMAN & CHICK PC**  
**220 Fifth Avenue**  
**16TH Floor**  
**NEW YORK NY 10001-7708**

**MAILED**

**NOV 30 2010**

**OFFICE OF PETITIONS**

In re Application of

Moshe Meller

Application No. 12/779,475

Filed: May 13, 2010

Attorney Docket No. 10230/LH

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 5, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Moshe Meller attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2839 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/779,489	Filing date:	May 13, 2010
First Named Inventor:	John Ericksoon		
Title of the Invention:	METHOD AND APPARATUS FOR COMMUNICATION REQUEST TERMINATION ROUTING		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/034739

**The international filing date of the corresponding PCT application(s) is/are:**

May 13, 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.:	12/779,489
First Named Inventor:	John Erickson

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒Has already been filed in the above-identified U.S. application on January 10, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on January 10, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1+7	Claim 7 is indicated as patentable. US Claim 1 was amended to include the matter of patentable claim 7
2	1+7+2	Claim 2 depends from Claim 1; US Claim 1 was amended to include the matter of patentable claim 7
3-5	3-5	Claims are same
6	1+7+6	Claim 6 depends from Claim 1; US Claim 1 was amended to include the matter of patentable claim 7
7	-	US Claim 7 was cancelled and subject matter moved into claim 1
8	8	US Claim 8 was amended to depend from claim 1, otherwise claims are same
9	9	Claims are same
10	1+7+10	Claim 10 depends from Claim 1; US Claim 1 was amended to include the matter of patentable claim 7
11	1+7+11	Claim 11 depends from Claim 1; US Claim 1 was amended to include the matter of patentable claim 7
12	1+7+12	Claim 12 depends from Claim 1; US Claim 1 was amended to include the matter of patentable claim 7
13	1+7+13	Claim 13 depends from Claim 1; US Claim 1 was amended to include the matter of patentable claim 7
14	14+17	Claim 17 is indicated as patentable. US Claim 14 was amended to include the matter of patentable claim 17
15	14+17+15	Claim 15 depends from Claim 14; US Claim 14 was amended to include the matter of patentable claim 17
16	14+17+16	Claim 16 depends from Claim 14; US Claim 14 was amended to include the matter of patentable claim 17
17	-	US Claim 17 was cancelled and subject matter moved into claim 14
18-19	18-19	Claims are same
20	14+17+20	Claim 20 depends from Claim 14; US Claim 14 was amended to include the matter of patentable claim 17

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Sherry Bergmann/	Date March 29, 2012
Name (Print/Typed) Sherry Bergmann	Registration Number 68,187

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

KILPATRICK TOWNSEND & STOCKTON LLP  
TWO EMBARCADERO CENTER, EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

**MAILED**

**MAR 21 2011**

In re Application of

**Peter S. LU, et al.**

Application No. 12/779,501

Filed: May 13, 2010

Attorney Docket No. **020054-003710US**

**OFFICE OF PETITIONS**

DECISION ON PETITION TO  
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 3, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by Kenneth E. Jenkins on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

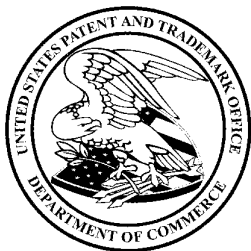
All future communications from the Office will be directed to the assignee of the entire interest at the address below until otherwise properly notified by the applicant.

There is an outstanding Office action mailed January 11, 2011 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/  
Petitions Examiner, Office of Petitions

CC: **ARBOR VITA CORPORATION  
C/O ALSTON & BIRD, ATTN: JOE LIEBESCHUETZ  
275 MIDDLEFIELD ROAD, SUITE 150  
MENLO PARK, CA 94025-4008**



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : March 1, 2012

In re Application of :

Walter Presz

Application No : 12779510

Filed : 13-May-2010

Attorney Docket No : FDWT-0010/FDWT2035US01

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 1, 2012

The request is **APPROVED**.

The request was signed by Richard M. Klein (registration no. 33000 ) on behalf of all attorneys/agents associated with Customer Number 27885 . All attorneys/agents associated with Customer Number 27885 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name FloDesign Wind Turbine Corp.

Name2

Address 1 380 Main Street

Address 2

City Wilbraham

State MA

Postal Code 01095

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12779510	
Filing Date	13-May-2010	
First Named Inventor	Walter Presz	
Art Unit	3745	
Examiner Name	RICHARD EDGAR	
Attorney Docket Number	FDWT-0010/FDWT2035US01	
Title	WIND TURBINE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">27885</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	FloDesign Wind Turbine Corp.	
Address	380 Main Street	
City	Wilbraham	
State	MA	
Postal Code	01095	
Country	US	



I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

/ Richard M. Klein /

Name

Richard M. Klein

Registration Number

33000

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12779545	
Filing Date	13-May-2010	
First Named Inventor	Walter Presz	
Art Unit	3745	
Examiner Name	RICHARD EDGAR	
Attorney Docket Number	FDWT-0004/ FDWT200036US01	
Title	WIND TURBINE	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		27885 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	FloDesign Wind Turbine Corp.	
Address	380 Main Street	
City	Wilbraham	
State	MA	
Postal Code	01095	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

/ Richard M. Klein /

Name

Richard M. Klein

Registration Number

33000



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : March 1, 2012

In re Application of :

Walter Presz

Application No : 12779545

Filed : 13-May-2010

Attorney Docket No : FDWT-0004/ FDWT200036US01

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed March 1, 2012

The request is **APPROVED**.

The request was signed by Richard M. Klein (registration no. 33000 ) on behalf of all attorneys/agents associated with Customer Number 27885 . All attorneys/agents associated with Customer Number 27885 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name FloDesign Wind Turbine Corp.

Name2

Address 1 380 Main Street

Address 2

City Wilbraham

State MA

Postal Code 01095

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO IL 60661

**MAILED**

**NOV 22 2010**

**OFFICE OF PETITIONS**

In re Application of :  
Kup-Ferroth : DECISION ON PETITION  
Application No. 12/779,565 :  
Filed: May 13, 2010 :  
Atty. Dkt. No.: 23092US01 :

This decision is in response to the petition filed September 14, 2010.

Petitioner herein requests that the priority document inadvertently filed in U.S. App. No. 12/449,565 on June 28, 2010 be moved to the correct application, U.S. App. No. 12/779,565.

Correspondence directed to the Patent and Trademark Office concerning a previously filed application for a patent must identify the application number and filing date assigned to that application by the Office. See, 37 CFR 1.5(a). In the above-referenced application, applicant failed to correctly identify the application by citing an incorrect application number in the response. The Office elects, in this instance, to treat applicant's error as a correctable minor error as permitted under MPEP 502. However, applicants are reminded that minor errors, such as occurred in the instant application, are to be avoided in the future by the careful review of correspondence prior to submission to the Office.

In view thereof, the petition is hereby GRANTED.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown  
Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**JORDAN AND HAMBURG LLP**  
**122 EAST 42<sup>ND</sup> STREET**  
**SUITE 4000**  
**NEW YORK NY 10168**

**MAILED**  
**FEB 10 2012**  
**OFFICE OF PETITIONS**

In re Application of	:	
TORRES	:	
Application No. 12/779,592	:	DECISION ON PETITION
Filed: May 13, 2010	:	TO WITHDRAW
Attorney Docket No. BD-486	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 23, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by C. Bruce Hamburg behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address copied below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

cc: PAUL TORRES  
1730 MULFORD AVENUE, APT. 11M  
BRONX NY 10461



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/779,592	05/13/2010	Paul TORRES	D-486

**CONFIRMATION NO. 8845**

## POWER OF ATTORNEY NOTICE



28107  
JORDAN AND HAMBURG LLP  
122 EAST 42ND STREET  
SUITE 4000  
NEW YORK, NY 10168

Date Mailed: 02/09/2012

## NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/23/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,600	05/13/2010	Albir A. Layyous	I084 2530.1	8854

7590 11/05/2010  
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
ATTN: IP DOCKETING  
P.O. BOX 7037  
ATLANTA, GA 30357-0037

EXAMINER
----------

TURNER, ARCHENE A

ART UNIT	PAPER NUMBER
----------	--------------

1784

MAIL DATE	DELIVERY MODE
-----------	---------------

11/05/2010

PAPER

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management

Adjusted Date: 01/20/2011  
Processing Date: 01/20/2011  
02/01/2011



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,600	05/13/2010	Albir A. Layyous	1084 2530.1	8854
7590 11/05/2010 WOMBLE CARLYLE SANDRIDGE & RICE, PLLC ATTN: IP DOCKETING P.O. BOX 7037 ATLANTA, GA 30357-0037			EXAMINER TURNER, ARCHENE A	
			ART UNIT 1784	PAPER NUMBER
			MAIL DATE 11/05/2010	DELIVERY MODE PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)  
*The declaration of express abandonment will not be recognized*

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☒ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at <http://www.uspto.gov/patft/index.html>.
- ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Toni Turner

Patent Publication Branch  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY AND POPEO, P.C  
ONE FINANCIAL CENTER  
BOSTON MA 02111

**MAILED**

**NOV 22 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Schacter	:	DECISION ON APPLICATION
Application No. 12/779,612	:	FOR
Filed: May 13, 2010	:	PATENT TERM ADJUSTMENT
Atty Docket No. 29297-023C01US	:	

This is a decision on the "APPLICATION FOR ADJUSTMENT OF PATENT TERM UNDER 37 C.F.R. § 1.705(b)," filed November 9, 2011. Applicant requests that the initial determination of patent term adjustment be corrected to reflect that Applicant delay is only 31 days, rather than the current calculation of 39 days.

The application for patent term adjustment (PTA) is **GRANTED**.

The Office has updated the PALM screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance remains zero (0) days; however, Applicant delay is 31 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On September 8, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 0 days. The PTA calculation is 0 days of Office delay - 39 days of Applicant delay. On November 9, 2011, applicant timely<sup>1</sup> submitted an application for patent term adjustment. The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

<sup>1</sup> The Issue Fee payment was also received on November 9, 2011.

The application history has been reviewed and it has been determined that calculation of Applicant delay is incorrect.

Applicant disputes the reduction of 8 days of PTA for applicant's purported delay in filing a supplemental response, in the form of an Information Disclosure Statement (IDS) on June 9, 2011. Applicants state that the IDS contains a proper 30 day certification and, therefore, no reduction is warranted.

Applicant's argument has been considered, and found persuasive. A non-final Office action was mailed on February 1, 2011. On June 1, 2011, applicant filed a response and as a result, applicant was properly assessed a 31 day period of reduction under 37 CFR 1.704(b). On June 9, 2011, applicant filed an IDS. It is undisputed that applicant filed a supplemental reply on June 9, 2011 after an initial reply was filed on June 1, 2011. The IDS was not expressly requested by the examiner. Therefore, the issue is whether or not the IDS contained a proper statement under 37 CFR 1.704(d).

37 CFR 1.704(d) states,

A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

The statement found on page two of the June 9, 2011 IDS is a proper statement under 37 CFR 1.704(d). Accordingly, no reduction is warranted. The period of reduction of 8 days is being removed

In view thereof, the determination of the patent term adjustment at the time of the mailing of the notice of allowance remains zero (0) days; however, the total period of Applicant delay is being corrected to 31, rather than 39 days.

Applicant is reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any Applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "Shirene Willis Brantley".

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of adjusted PAIR calculation



# United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz Alerts](#) | [News](#) | [Help](#)

[Portal Home](#) | [Patents](#) | [Trademarks](#) | [Other](#)

## Patent eBusiness

## Patent Application Information Retrieval

- [Electronic Filing](#)
- [Patent Application Information \(PAIR\)](#)
- [Patent Ownership](#)
- [Fees](#)
- [Supplemental Resources & Support](#)

[Order Certified Application As Filed](#) [Order Certified File Wrapper](#) [View Order List](#)

12/779,612

USE OF HUPERZINE FOR DISORDERS

29297-023C01US



<a href="#">Status</a>	<a href="#">Application</a>	<a href="#">Transaction</a>	<a href="#">Image/File</a>	<a href="#">Patent Term</a>	<a href="#">Continuity</a>	<a href="#">Published</a>	<a href="#">Address &amp;</a>	<a href="#">Display</a>
<a href="#">New Case</a>	<a href="#">Data</a>	<a href="#">History</a>	<a href="#">Wrapper</a>	<a href="#">Adjustments</a>	<a href="#">Data</a>	<a href="#">Documents</a>	<a href="#">Attorney/Agent</a>	<a href="#">References</a>

### Patent Term Adjustment

Filing or 371(c) Date:	05-13-2010	Overlapping Days Between {A and B} or {A and C}:	0
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	0
A Delays:	0	PTO Manual Adjustments:	8
B Delays:	0	Applicant Delays:	39
C Delays:	0	Total PTA Adjustments:	0

### Patent Term Adjustment History

### Explanation Of Calculations

Number	Date	Contents Description	PTO (Days)	APPL (Days)	Start
48	11-18-2011	Adjustment of PTA Calculation by PTO	8		0
38	09-08-2011	Mail Notice of Allowance			0
37	09-07-2011	Office Action Review			0
36	09-07-2011	Office Action Review			0
35	09-07-2011	Office Action Review			0
34	09-07-2011	Issue Revision Completed			0
33	09-07-2011	Document Verification			0
32	09-07-2011	Notice of Allowance Data Verification Completed			0
31	08-29-2011	Reasons for Allowance			0
30	08-29-2011	Telephonic restriction			0
29	08-29-2011	Allowability Notice			0
25	06-09-2011	Information Disclosure Statement considered			0
24	07-08-2011	Date Forwarded to Examiner			0
23	06-01-2011	Response after Non-Final Action		31	18
22	06-01-2011	Request for Extension of Time - Granted			0
21	06-09-2011	Reference capture on IDS			0
20	06-09-2011	Information Disclosure Statement (IDS) Filed		8	23
19	06-09-2011	Information Disclosure Statement (IDS) Filed			0
18	02-01-2011	Mail Non-Final Rejection			0
17	01-31-2011	Non-Final Rejection			0
16	05-13-2010	Information Disclosure Statement considered			0
15	11-24-2010	Date Forwarded to Examiner			0

## Patent Information

- [Patent Guidance and General Info](#)
- [Codes, Rules & Manuals](#)
- [Employee & Office Directories](#)
- [Resources & Public Notices](#)

## Patent Searches

- [Patent Official Gazette](#)
- [Search Patents & Applications](#)
- [Search Biological Sequences](#)
- [Copies, Products & Services](#)

## Other

- [Copyrights](#)
- [Trademarks](#)
- [Policy & Law](#)
- [Reports](#)

14	11-22-2010	Response to Election / Restriction Filed	0
13	11-10-2010	Mail Restriction Requirement	0
12	11-08-2010	Restriction/Election Requirement	0
11	09-16-2010	PG-Pub Issue Notification	0
10	05-13-2010	Reference capture on IDS	0
9	05-13-2010	Information Disclosure Statement (IDS) Filed	0
8	07-29-2010	Case Docketed to Examiner in GAU	0
7	06-04-2010	Application Is Now Complete	0
6	06-04-2010	Application Dispatched from OIPE	0
5	06-04-2010	Filing Receipt	0
4	05-25-2010	Cleared by OIPE CSR	0
3	05-23-2010	IFW Scan & PACR Auto Security Review	0
2	05-13-2010	Information Disclosure Statement (IDS) Filed	0
1	05-13-2010	Initial Exam Team nn	0
0.5	05-13-2010	Filing date	0

*If you need help:*

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent Application Information Retrieval (PAIR).
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

You can suggest USPTO webpages or material you would like featured on this section by E-mail to the [webmaster@uspto.gov](mailto:webmaster@uspto.gov). While we cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

[Home](#) | [Site Index](#) | [Search](#) | [eBusiness](#) | [Help](#) | [Privacy Policy](#)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Leviton Manufacturing  
Company Incorporated (CDFS)  
c/o Carter, DeLuca,  
Farrell & Schmidt, LLP  
445 Broad Hollow Rd. Ste. 420  
Melville NY 11747

**MAILED**  
**JUN 20 2011**  
**OFFICE OF PETITIONS**

In re :  
David Chan, Eugene Shafir and :  
John Libretto :  
Reissue Application No.12/779,613 :  
Filed: May 13, 2010 : DECISION ON PETITION  
Title: GROUND FAULT CIRCUIT :  
INTERRUPTER WITH ENHANCED RADIO :  
FREQUENCY INTERFERENCE SUPPRESSION : UNDER 37 CFR 1.183  
Attorney Docket No. 1640-70 REI :  
:

This reissue application is before the Office of Patent Legal Administration, for consideration of the "PETITION UNDER 37 C.F.R. SECTION 1.47," filed December 21, 2010, which is properly treated as a petition under 37 CFR 1.183.<sup>1</sup>

In this instance, waiver is sought with respect to the requirement in view of 37 CFR §§ 1.67, 1.172, and 1.175 that a supplemental declaration be executed by the named inventors in a broadening reissue application.

The fee for such consideration is being charged to petitioner's Deposit Account, as authorized.

The petition is **granted**.

---

<sup>1</sup> Once an application has received a fully executed oath or declaration that has been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.



### **BACKGROUND**

The present reissue application of patent No. 7,375,935 (issued May 20, 2008) was filed on May 13, 2010, by the assignee as a broadening reissue application. The application filing included a written consent of assignee and a § 3.73(b) statement.

By non-final Office action mailed August 31, 2010, the examiner advised applicant that the reissue declaration filed with the application was defective because it fails to identify at least one error which is relied upon to support the reissue application.

In response, applicant filed the instant petition. Accompanying the petition was a reissue declaration executed by joint inventors Shafir and Libretto on behalf of themselves and on behalf of non-signing joint inventor Chan.

### **DECISION**

35 U.S.C. 251, which is directed to reissue, does not address the signature requirements of a declaration in reissue. 37 CFR 1.172 requires that a reissue declaration be made (and signed) by the inventors, except as otherwise provided (§§ 1.42, 1.43, 1.47), where the scope of the claims of the original patent is being enlarged. 37 CFR 1.175(b)(1) requires that:

For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit a supplemental oath or declaration stating that every such error arose without any deceptive intention on the part of the applicant.

37 CFR 1.175(b)(1), taken in conjunction with § 1.172, requires a supplemental declaration to be signed by the inventor. This is because all oaths or declarations necessary to fulfill the rule requirements in a reissue application are taken together collectively as a single oath or declaration. Thus, each oath and/or declaration must bear the appropriate signature of the inventor.

37 CFR 1.183 permits, in an extraordinary situation, waiver of a rule which is not a requirement of the statute, where justice requires such waiver, and applicant has requested a waiver of

the requirement that the 37 CFR 1.175(b)(1) supplemental declaration be signed by the assignee.

While 37 CFR 1.47(a) is not directly applicable to the current set of facts, it does provide an analogous analysis as to the required showing to rectify situations involving a non-signing joint inventor as to a declaration. As such, a 37 CFR 1.47(a) analysis will be applied, to the extent applicable, to determine whether an extraordinary situation is present, such that justice requires the waiver of the rules in this situation.

The instant petition is accompanied by an appropriate showing that the non-signing joint inventor is unavailable. Specifically, the petition includes adequate proof that multiple attempts were made to present the reissue declaration to inventor Chan for signature, as well as, to confirm the accuracy of the address used. Further, the proof includes a domestic return receipt signed by "CHAN," acknowledging receipt of one of the mailings. Further, applicant states that, by telephone call to the telephone number associated with the address used, the address was confirmed as that of inventor Chan. The proof supports a conclusion that inventor Chan, by his conduct in not responding to the requests to sign the reissue declaration, has refused to execute the supplemental reissue declaration. Accordingly, the December 21, 2010, supplemental declaration, signed by the available joint inventors will be accepted as though it was signed by all of the inventor as required by 37 CFR 1.175(b)(1) taken in conjunction with § 1.172.

#### **CONCLUSION**

The present petition, taken as a petition to waive 37 CFR §§ 1.67, 1.172, and 1.175, is granted.

Jurisdiction over the application is being forwarded to Technology Center 2836 for further prosecution.

Please direct any questions related to this decision to Nancy Johnson, Special Petitions Attorney, at (571) 272-3219.

/Kenneth M. Schor/

Kenneth M. Schor  
Senior Legal Advisor  
Office of Patent Legal Administration

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 05/31/2010. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **8736.327.00** Application Number (if known): **12/779,631** Filing date: **May 13, 2010**

First Named Inventor: **Gyea Young Kwag**

Title: **ELECTRODE PASTE FOR SOLAR CELL, SOLAR CELL USING THE PASTE, AND FABRICATION METHOD OF THE SOLAR CELL**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment to the claims

Signature



Date **November 23, 2010**

Name  
(Print/Typed)

**Michael P. Alexander**

Registration Number **50,961**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of 9 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Docket No.: 8736.327.00  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

In re Patent Application of:  
Gyea Young KWAG, et al.

Customer No.: 30827

Application No.: 12/779,631

Confirmation No.: 8926

Filed: May 13, 2010

Art Unit: 1795

For: ELECTRODE PASTE FOR SOLAR CELL, SOLAR  
CELL USING THE PASTE, AND FABRICATION  
METHOD OF THE SOLAR CELL

---

Examiner: TBA

MS Statement  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL  
UNDER THE GREEN TECHNOLOGY PILOT PROGRAM**

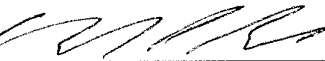
Dear Sir:

By filing this petition, Applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement for Green Technology Pilot Program.

The basis for the special status is that the invention claimed in the above-identified patent application materially contributes to the development of renewable energy resources. The claimed invention relates to manufacturing high efficiency solar cells.

Dated: November 23, 2010

Respectfully submitted,

By 

Michael P. Alexander  
Registration No.: 50,961  
McKenna Long & Aldridge LLP  
1900 K Street N.W.  
Washington, D.C. 20006  
Voice: 202-496-7500  
Fax: 202-496-7756  
Attorneys for Applicant



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,631	05/13/2010	Gyca Young Kwag	8736.327.00	8926

30827 7590 11/26/2010  
MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

1725

MAIL DATE	DELIVERY MODE
-----------	---------------

11/26/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON DC 20006

NOV 26 2010

In re Application of	:	
Gyea Young Kwag et al.	:	DECISION ON PETITION
Application No. 12/779,631	:	TO MAKE SPECIAL UNDER
Filed: May 13, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 8736.327.00	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed November 23, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Blaine Copenheaver at 571-272-1156.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BRACEWELL & GIULIANI LLP  
P.O. BOX 61389  
HOUSTON TX 77208-1389

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of :

Sullivan, Mark :

Application No. 12/779,676 :

Filed: May 13, 2010 :

Attorney Docket No. 014327.000009 :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 01, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: CAP TECH DEVELOPMENT CORPORATION  
15721 PARK ROW  
HOUSTON TX 77084





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BRACEWELL & GIULIANI LLP  
P.O. BOX 61389  
HOUSTON TX 77208-1389

**MAILED**  
**JUL 20 2011**  
**OFFICE OF PETITIONS**

In re Application of

Sullivan, Mark

Application No. 12/779,676

Filed: May 13, 2010

Attorney Docket No. 014327.000009

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 12, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Jeffrey Whittle on behalf of all attorneys of record who are associated with customer No. 35979. All attorneys/agents associated with the Customer Number 35979 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

*/Tredelle D. Jackson/*  
Paralegal Specialist  
Office of Petitions

cc: CAPTECH DEVELOPMENT CORPORATION  
15721 PARK ROW  
HOUSTON TX 77084

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/779,680	Filing date:	May 13, 2010
First Named Inventor:	F. Raymond Cote		

Title of the  
Invention: **Axial-Flow Fan**

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2011/034873

**The international filing date of the corresponding PCT application(s) is/are:** May 3, 2011

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached

☒

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/779,680
First Named Inventor:	F. Raymond Cote

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

7

Is attached

9

Has already been filed in the above-identified U.S. application on

August 11, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

1

Are attached.

☐

Have already been filed in the above-identified U.S. application on

August 11, 2011

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <u>/richard l. kaiser/</u>	Date <u>September 14, 2011</u>
Name (Print/Typed) <u>Richard L. Kaiser</u>	Registration Number <u>46158</u>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,680	05/13/2010	F. Raymond Cotz	081276-9437-00	9022
34044 7590 10/03/2011 MICHAEL BEST & FRIEDRICH LLP 100 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202			EXAMINER LOOK, EDWARD K	
			ART UNIT 3745	PAPER NUMBER
			NOTIFICATION DATE 10/03/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mkeipdocket@michaelbest.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MICHAEL BEST & FRIEDRICH LLP  
100 EAST WISCONSIN AVENUE  
MILWAUKEE WI 53202

In re Application of	:	
<u>COT?, F. RAYMOND</u> , et al.	:	DECISION ON REQUEST TO
Application No. 12/779,680	:	PARTICIPATE IN PATENT
Filed: May 13, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 081276-9437-00	:	PROGRAM AND PETITION
For: AXIAL-FLOW FAN	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed September 14, 2011 to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO/PCT application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO/PCT application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. Upon completion of pre-examination processing, this application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4485. All other inquiries concerning the examination or status of the application should be directed to Edward Look, SPE of Art Unit 3745, and 571-272-4820 for Class 416 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BRACEWELL & GIULIANI LLP  
P.O. BOX 61389  
HOUSTON TX 77208-1389

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of :

Sullivan, Mark :

Application No. 12/779,701 :

Filed: May 13, 2010 :

Attorney Docket No. 014327.000010 :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 01, 2011.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: CAP TECH DEVELOPMENT CORPORATION  
15721 PARK ROW  
HOUSTON TX 77084





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**BRACEWELL & GIULIANI LLP**  
**P.O. BOX 61389**  
**HOUSTON TX 77208-1389**

**MAILED**

**JUL 20 2011**

**OFFICE OF PETITIONS**

In re Application of :

**Sullivan, Mark** :

Application No. 12/779,701 :

Filed: May 13, 2010 :

Attorney Docket No. 014327.000010 :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 12, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Jeffrey Whittle on behalf of all attorneys of record who are associated with customer No. 35979. All attorneys/agents associated with the Customer Number 35979 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

*/Tredelle D. Jackson/*  
Paralegal Specialist  
Office of Petitions

cc: **CAPTECH DEVELOPMENT CORPORATION**  
**15721 PARK ROW**  
**HOUSTON TX 77084**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**PERKINS COIE LLP**  
**Attn: Maurice J. Pirio**  
**P.O. Box 1247**  
**Seattle, WA 98111-1247**

**MAILED**

**JUN 20 2011**

**OFFICE OF PETITIONS**

In re Application of  
Richard A. Bowler, et al.  
Application No. 12/779,703  
Filed: May 13, 2010  
Attorney Docket No. 343328003US3

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 11, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Perkins Coie LLP has been revoked by the assignee of the patent application on May 19, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **SNR DENTON US LLP**  
**P.O. BOX 061080**  
**CHICAGO, IL 60606-1080**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,769	05/13/2010	Yusuke YOSHIKUMI	87136-287598	9197
26694	7590	08/19/2010		
VENABLE LLP			EXAMINER	
P.O. BOX 34385				
WASHINGTON, DC 20043-9998				
			ART UNIT	PAPER NUMBER
			2828	
			MAIL DATE	DELIVERY MODE
			08/19/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**VENABLE LLP  
P.O. BOX 34385  
WASHINGTON DC 20043-9998**

**In re Application of**

**YOSHIZUMI et al.**

**Application No.: 12/779,769**

**Filed: 13 May 2010**

**Attorney Docket No.: 87136-287598**

**For: GROUP III NITRIDE**

**SEMICONDUCTOR ELEMENT AND  
EPITAXIAL WAFER**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 05 August 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the JPO, or

- ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;
- 2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
- 3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
- 4. Examination of the U.S. application has not begun;
- 5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
- 6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.



Lee W. Young  
TQAS  
Technology Center 2800

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12779800	
Filing Date	13-May-2010	
First Named Inventor	Shih-Fu Huang	
Art Unit	2829	
Examiner Name	RAJ GUPTA	
Attorney Docket Number	ASEG-044/01US 307632-2073	
Title	SUBSTRATE HAVING SINGLE PATTERNED METAL LAYER EXPOSING PATTERNED DIELECTRIC LAYER, CHIP PACKAGE STRUCTURE INCLUDING THE SUBSTRATE, AND MANUFACTURING METHODS THEREOF	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">58249</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner	
Address	975 Page Mill Road	
City	Palo Alto	
State	CA	
Postal Code	94304	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 13, 2012

In re Application of :

Shih-Fu Huang

Application No : 12779800

Filed : 13-May-2010

Attorney Docket No : ASEG-044/01US 307632-2073

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED**.

The request was signed by William S. Galliani (registration no. 33885 ) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Customer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Advanced Semiconductor Engineering, Inc.  
Name2 c/o Foley & Lardner  
Address 1 975 Page Mill Road  
Address 2  
City Palo Alto  
State CA  
Postal Code 94304  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (12-09)

Approved for use through 05/31/2010. OMB 0651-0052  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 54870-DIV

Application Number  
(if known): 12/779,813

Filing date: 5/13/2010

First Named  
Inventor: Hasnain

Title: Inverted LED Structure with Improved Light Extraction

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**


This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication:** Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request. Applicant hereby rescinds under 37 CFR 1.213(b) any previous filed request that the above-identified application not be published under 35 U.S.C. 122(b).

**If the application has been published, the petition must still be accompanied by the publication fee set forth in 37 CFR 1.18(d) and a statement that the application has been published.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirement and classification requirement set forth in the notice entitled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" that was published in the Federal Register if the Office determines that the claims are not obviously directed to a single invention.
3. This request is accompanied by statements of special status for the eligibility requirement.
4. The application contains no more than three (3) independent claims and twenty (20) total claims.
5. The application does not contain any multiple dependent claims.
6. Other attachments: \_\_\_\_\_

Signature 	Date November 18, 2010
Name (Print/Typed) Calvin B. Ward	Registration Number 30,896
<b>Note:</b> Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input type="checkbox"/> *Total of _____ forms are submitted.	

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Ghulam Hasnain	
Serial No.:	12/779,813	
Filed:	5/13/2010	
For:	Inverted LED Structure with Improved Light Extraction	
Group Art Unit:	not yet assigned	Examiner: not yet assigned

**STATEMENT OF SPECIAL STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits that the above-identified patent application should be afforded special status under the green technology pilot program as pertaining to energy conservation. Applicant suggests the classification 257/79 as an appropriate classification for this application, as the subject matter of the invention specifically concerns light emitting diode structures, which are not only active solid state devices, as covered by classification 257, but also incoherent light emitters, as covered by sub-classification 79.

Applicant calls to the Commissioner's attention the fact that this application has already been published.

Respectfully Submitted,



Calvin B. Ward  
Registration No. 30,896  
Date November 18, 2010

18 Crow Canyon Court, Suite 305  
San Ramon, CA 94583  
Telephone (925) 855-0413  
Telefax (925) 855-9214



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,813	05/13/2010	Ghulam Hasnain	54870-DIV	9290
28241	7590	12/02/2010		
THE LAW OFFICES OF CALVIN B. WARD 18 CROW CANYON COURT, SUITE 305 SAN RAMON, CA 94583			EXAMINER LEBENTRITT, MICHAEL	
			ART UNIT 2829	PAPER NUMBER
			MAIL DATE 12/02/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON CA 94583

In re Application of	:	
Ghulam HASNAIN	:	DECISION ON PETITION
Application No. 12/779,813	:	TO MAKE SPECIAL UNDER
Filed: May 13, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 54870-DIV	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 18, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

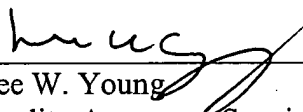
In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2829 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

DEC 03 2010

**OFFICE OF PETITIONS**

**THE LAW OFFICES OF CALVIN B. WARD  
18 CROW CANYON COURT, SUITE 305  
SAN RAMON, CA 94583**

In re Application:  
Ghulam Hasnain  
Application No. 12/779,813  
Filed: May 13, 2010  
Attorney Docket No. 54870-DIV

NOTICE

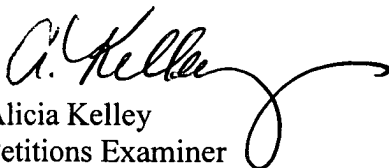
This is a notice regarding your request for acceptance of a fee deficiency submission filed on October 22, 2010, under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent application is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 13, 2012

In re Application of :

SHIH-FU HUANG

Application No : 12779818

Filed : 13-May-2010

Attorney Docket No : ASEG-044/02US 307632-2072

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed February 13, 2012

The request is **APPROVED**.

The request was signed by William S. Galliani (registration no. 33885 ) on behalf of all attorneys/agents associated with Customer Number 58249 . All attorneys/agents associated with Customer Number 58249 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Advanced Semiconductor Engineering, Inc.  
Name2 c/o Foley & Lardner  
Address 1 975 Page Mill Road  
Address 2  
City Palo Alto  
State CA  
Postal Code 94304  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12779818	
Filing Date	13-May-2010	
First Named Inventor	SHIH-FU HUANG	
Art Unit	2814	
Examiner Name	MARC ANTHONY ARMAND	
Attorney Docket Number	ASEG-044/02US 307632-2072	
Title	SEMICONDUCTOR PACKAGE WITH SUBSTRATE HAVING SINGLE METAL LAYER AND MANUFACTURING METHODS THEREOF	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">58249</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Advanced Semiconductor Engineering, Inc. c/o Foley & Lardner	
Address	975 Page Mill Road	
City	Palo Alto	
State	CA	
Postal Code	94304	
Country	US	



I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/William S. Galliani/
Name	William S. Galliani
Registration Number	33885



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

(SIMDESK) WONG, CABELLO,  
LUTSCH, RUTHERFORD  
20333 TOMBALL PKWY 6TH FLOOR  
HOUSTON TX 77070

**MAILED**

**JAN 31 2012**

**OFFICE OF PETITIONS**

In re Application of	:	
Jones, et al.	:	
Application No. 12/779,821	:	DECISION
Filed/Deposited: 13 May, 2010	:	
Attorney Docket No. 584-0023USC	:	

This is a decision on the papers filed on 3 January, 2012, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition pursuant to 37 C.F.R. §1.181."

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw  
the Holding of Abandonment

*Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.*

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

### BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 27 May, 2011, with reply due absent extension of time on or before 27 August, 2011.

(On 2 July, 2011, a previously submitted terminal disclaimer was rejected for lack of authority.)

On 13 November, 2011, Petitioner submitted:

- a request and fee for extension of time, an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply<sup>1</sup> if it did not *prima facie* place the application in condition for allowance, and on 1 December, 2011, the Examiner mailed an Advisory Action; and
- a Notice of Appeal and fee, which submission had to be perfected with an Appeal Brief and fee, absent extension of time, on or before 13 January, 2012.

Albeit somewhat precipitously, the Office mailed the Notice of Abandonment on 3 January, 2012.

The application went abandoned by operation of law after midnight 13 January, 2012

On 3 January, 2011, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 to withdraw the holding of abandonment, averring timely reply, however, as is clear from the narrative above, the application indeed stands abandoned by operation of law for Petitioner's failure to have perfected the Appeal. While Petitioner still may perfect the Appeal or he may submit a request for continued examination (RCE) and fee with submission pursuant to 37 C.F.R. §1.114 in the form of an amendment, neither of those transactions is evident of record at this time. Should Petitioner find that he is able to satisfy the showing requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I), he may wish to do so by re-advancing his petition pursuant to 37 C.F.R. §1.181 with the requisite narrative and documentary support.

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely filing:

\*\*\*

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit

---

<sup>1</sup> A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.<sup>2</sup>

\*\*\*

---

<sup>2</sup> See: MPEP §711.03(c) (I)(B).

A Petitioner unable to comply with and/or otherwise satisfy these requirements may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See:

[http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_711\\_03\\_c.htm#sect711.03c](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c) )

*Petitioners always are cautioned that the failure to file timely a petition pursuant to 37 C.F.R. §1.137(b) seeking to revive an application abandoned due to unintentional delay may be considered indicia of delay that is other than unintentional.*

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>3</sup>

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.<sup>4, 5</sup>

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

<sup>3</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>4</sup> See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

<sup>5</sup> The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

Decisions on reviving abandoned applications on the basis of “unavoidable” delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word ‘unavoidable’ . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>6</sup>

Allegations as to the Request to  
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

As discussed above, Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is dismissed.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner pursuant to 37 C.F.R. §1.137(b) requesting revival of an application abandoned due to unintentional delay. (See:

[http://www.uspto.gov/web/offices/pac/mpep/documents/0700\\_711\\_03\\_c.htm#sect711.03c](http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c) )

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that “the entire delay in filing the required reply from the due date for

<sup>6</sup> In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm’r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff’d, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm’r Pat. 139, 141 (1913). In addition, decisions on revival are made on a “case-by-case basis, taking all the facts and circumstances into account.” Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was “unavoidable.” Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/779,821

the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
                                    Commissioner for Patents  
                                    P. O. Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By facsimile:                (571) 273-8300  
                                    Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>7</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>7</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

(SIMDESK) WONG, CABELLO,  
LUTSCH, RUTHERFORD  
20333 TOMBALL PKWY 6TH FLOOR  
HOUSTON TX 77070

**MAILED**

APR 03 2012

**OFFICE OF PETITIONS**

In re Application of	:	
Jones, et al.	:	
Application No. 12/779,821	:	DECISION
Filed/Deposited: 13 May, 2010	:	
Attorney Docket No. 584-0023USC	:	

This is a decision on the papers filed on 3 February, 2012, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition pursuant to 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw  
the Holding of Abandonment

*Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief pursuant to 37 C.F.R. §1.181.*

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

**BACKGROUND**

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 27 May, 2011, with reply due absent extension of time on or before 27 August, 2011.



(On 2 July, 2011, a previously submitted terminal disclaimer was rejected for lack of authority.)

On 13 November, 2011, Petitioner submitted: a request and fee for extension of time, an amendment after final, which the Examiner refused to enter and Petitioner—as one registered to practice before the Office—knew was not as of right and not a proper reply<sup>1</sup> if it did not *prima facie* place the application in condition for allowance, and on 1 December, 2011, the Examiner mailed an Advisory Action; and a Notice of Appeal and fee, which submission had to be perfected with an Appeal Brief and fee, absent extension of time, on or before 13 January, 2012.

Albeit somewhat precipitously, the Office mailed the Notice of Abandonment on 3 January, 2012.

The application went abandoned by operation of law after midnight 13 January, 2012

On 3 January, 2011, Petitioner filed a petition pursuant to 37 C.F.R. §1.181 to withdraw the holding of abandonment, averring timely reply, however, as is clear from the narrative above, the application indeed stands abandoned by operation of law for Petitioner's failure to have perfected the Appeal. While Petitioner still might perfect the Appeal or submit a request for continued examination (RCE) and fee with submission pursuant to 37 C.F.R. §1.114 in the form of an amendment, neither of those transactions was evident of record, and the petition was dismissed on 31 January, 2012.

On 3 February, 2012, Petitioner re-advanced the petition and at that time noted the scheduling of response(s) in the matter, along with the requisite narrative and documentary support consistent with the showing requirements set forth in the guidance in the Commentary at MPEP §711.03(c)(I) and petition pursuant to 37 C.F.R. §1.181.

The guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to timely filing:

\*\*\*

37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for

---

<sup>1</sup> A proper reply is an amendment *prima facie* placing the application in condition for allowance, a Notice of Appeal, or an RCE (with fee and submission under 37 C.F.R. §1.114). (See: MPEP §711.03(c).)

failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.<sup>2</sup>

\*\*\*

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>3</sup>

---

<sup>2</sup> See: MPEP §711.03(c) (I)(B).

<sup>3</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18 (formerly 37 C.F.R. §10.18) to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

### STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.<sup>4, 5</sup>

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.<sup>6</sup>

---

<sup>4</sup> See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

<sup>5</sup> The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.)

<sup>6</sup> In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 12/779,821

Allegations as to the Request to  
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears to have made the showing required.


CONCLUSION

Accordingly, the petition as considered pursuant to 37 C.F.R. §1.181 is **granted**, and the 3 January, 2012, Notice of Abandonment hereby is **vacated**.

The instant application is released to the Technology Center/AU 2156 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>7</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>7</sup> The regulations at 37 C.F.R. §1.2 provide:  
**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/779,907	Filing date:	May 13, 2010
-----------------	------------	--------------	--------------

First Named Inventor:	Jianxiong Shi
-----------------------	---------------

Title of the Invention:	METHOD TO CONTROL CONFIGURATION CHANGE TIMES IN A WIRELESS DEVICE
----------------------------	---

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2011/035214

**The international filing date of the corresponding PCT application(s) is/are:** May 4, 2011

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE EPO AND THE USPTO

(continued)

Application No.:	12/779,907
First Named Inventor:	Jianxiong Shi

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☒ Is attached

☐ Has already been filed in the above-identified U.S. application on \_\_\_\_\_

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐ Have already been filed in the above-identified U.S. application on \_\_\_\_\_

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <u>/James T. Aslanis, Jr./</u>	Date <u>July 11, 2011</u>
Name (Print/Typed) <u>James T. Aslanis, Jr.</u>	Registration Number <u>65,944</u>

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

To:

Ferrazano, Michael J.  
BEYER LAW GROUP LLP  
P.O. Box 1687  
Cupertino, CA 95015-1687  
ETATS-UNIS D'AMERIQUE

BEYER LAW GROUP LLP  
ATTY: J.A. WELCH  
ACTION: *Patent*  
RESP: W.C. J.P.S.  
DUE DATES: 9/13/11  
3/13/12  
DOCKETED: 1/6 BY: J  
DOCKET NO.: *APUP FOLWS*

(PCT Rule 44.1)

Date of mailing  
(day/month/year)

6 July 2011 (06-07-2011)

Applicant's or agent's file reference  
APL1P701WO

**FOR FURTHER ACTION**

See paragraphs 1 and 4 below

International application No.  
PCT/US2011/035214

International filing date  
(day/month/year)

4 May 2011 (04-05-2011)

Applicant

APPLE INC.

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

**For more detailed instructions, see PCT Applicant's Guide, International Phase, paragraphs 9.004 - 9.011.**

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the *PCT Applicant's Guide, National Chapters*.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040  
Fax: (+31-70) 340-3016

Authorized officer

PATRICE, Nathalie  
Tel: +49 (0)89 2399-7205

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>APL1P701WO</b>	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, Item 5 below.</small>	
International application No.  <b>PCT/US2011/035214</b>	International filing date (day/month/year)  <b>04/05/2011</b>	(Earliest) Priority Date (day/month/year)  <b>13/05/2010</b>
Applicant  <b>APPLE INC.</b>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 11  
☒ as suggested by the applicant  
☐ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention  
b. ☐ none of the figures is to be published with the abstract



# INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2011/035214

## A. CLASSIFICATION OF SUBJECT MATTER

INV. H04W76/04  
ADD. H04W24/10 H04W72/12

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
H04W

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>"Universal Mobile Telecommunications System (UMTS); Radio Resource Control (RRC); Protocol specification (3GPP TS 25.331 version 9.1.0 Release 9)", TECHNICAL SPECIFICATION, EUROPEAN TELECOMMUNICATIONS STANDARDS INSTITUTE (ETSI), 650, ROUTE DES LUCIOLES ; F-06921 SOPHIA-ANTIPOLIS ; FRANCE, vol. 3GPP RAN 2, no. V9.1.0, 1 February 2010 (2010-02-01), XP014046584, figures 8.4.1-1 page 286 - page 287 section 8.6.6.15; page 435 - page 437 page 805 - page 809</p> <p style="text-align: center;">----- -/-</p>	1-7, 10, 11, 14-22

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

### \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*B\* document member of the same patent family

Date of the actual completion of the international search

29 June 2011

Date of mailing of the international search report

06/07/2011

Name and mailing address of the ISA/

European Patent Office, P.B. 5618 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040,  
Fax: (+31-70) 340-3016

Authorized officer

Tozlovanu, Ana-Delia

# INTERNATIONAL SEARCH REPORT

International application No  
PCT/US2011/035214

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>WO 2009/019129 A1 (INFINEON TECHNOLOGIES AG [DE]; CHOI HYUNG-NAM [DE]) 12 February 2009 (2009-02-12) abstract paragraph [0008] - paragraph [0009] paragraph [0017]; table 1 -----</p>	1-24

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2011/035214

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2009019129 A1	12-02-2009	CN 101772927 A	07-07-2010
		EP 2176994 A1	21-04-2010
		KR 20100030670 A	18-03-2010
		US 2009042559 A1	12-02-2009
<hr/>			

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

To:

Ferrazano, Michael J.  
BEYER LAW GROUP LLP  
P.O. Box 1687  
Cupertino, CA 95015-1687  
ETATS-UNIS D'AMERIQUE

BEYER LAW GROUP LLP  
ATTY: JIA ASSOC. SY  
ACTION: *Patent Ch. 19*  
Disq. w/c: *1/25*  
DUE DATES: *9/13/11*  
*3/13/12* *3/13/12*  
DOCKETED: *1/6* *PA 0*  
DOCKET NO.: *APUP 70143*

(PCT Rule 44.1)

Applicant's or agent's file reference APL1P701WO	Date of mailing (day/month/year) 6 July 2011 (06-07-2011)
International application No. PCT/US2011/035214	FOR FURTHER ACTION See paragraphs 1 and 4 below
Applicant APPLE INC.	International filing date (day/month/year) 4 May 2011 (04-05-2011)

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90*bis*.1 and 90*bis*.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040  
Fax: (+31-70) 340-3016

Authorized officer

PATRICE, Nathalie  
Tel: +49 (0)89 2399-7205

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

## PCT

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)**

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2011/035214

International filing date (day/month/year)  
04.05.2011

Priority date (day/month/year)  
13.05.2010

International Patent Classification (IPC) or both national classification and IPC  
INV. H04W76/04 ADD. H04W24/10 H04W72/12

Applicant  
APPLE INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Tozlovanu, Ana-Delia  
Telephone No. +49 89 2399-4864



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2011/035214

---

**Box No. I Basis of the opinion**

---

1. With regard to the **language**, this opinion has been established on the basis of:
- ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
- a. (means)
- ☐ on paper
  - ☐ in electronic form
- b. (time)
- ☐ in the international application as filed
  - ☐ together with the international application in electronic form
  - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

---

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

---

1. Statement

Novelty (N)	Yes: Claims	<u>2-9, 11-16, 18-24</u>
	No: Claims	<u>1, 10, 17</u>
Inventive step (IS)	Yes: Claims	<u>8, 9, 12, 13, 23, 24</u>
	No: Claims	<u>1-7, 10, 11, 14-22</u>
Industrial applicability (IA)	Yes: Claims	<u>1-24</u>
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

---

International application No.  
PCT/US2011/035214

---

**Box No. VII    Certain defects in the international application**

---

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

Reference is made to the following document:

- D1** "Universal Mobile Telecommunications System (UMTS); Radio Resource Control (RRC); Protocol specification (3GPP TS 25.331 version 9.1.0 Release 9)", 1 February 2010, **XP014046584**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 1 The present application does not meet the criteria of Article 33 PCT, because the subject-matter of independent claims **1, 10 and 17 is not new** in the sense of Article 33(2) PCT.
- 1.1 Document **D1** discloses all the features of claim 1 (the references in parentheses applying to this document):
- A method, comprising:
- at a mobile wireless communication device, wherein when the mobile wireless communication device is connected in a first configuration mode to a wireless network,
- receiving a control message at a local receive time from a radio network subsystem in the wireless network (*D1, Figure 8.4.1-1*);
- extracting from the received control message a time indication for when to start a configuration mode change (*D1, "TGCFN", page 286, last but two paragraph; section 10.3.6.34 on page 809*); and
- reconfiguring the mobile wireless communication device to a second configuration mode at a local start time based on the extracted time indication and the local receive time (*implicitly disclosed in D1, "activate the pattern sequence corresponding to each IE 'TGPSI' for which the 'TGPS status flag' in this message is set to 'activate' at the time indicated by IE 'TGCFN' "*).
- D1** thus discloses all features of independent claim 1. Subject-matter of claim 1 lacks novelty in the sense of the Article 33(2) PCT.
- 1.2 The same considerations as made in paragraph 2 above regarding claim 1 also apply to independent claims 10 and 17 since these claims include the same feature combinations as claim 1 in terms of claims relating to an apparatus and a computer program, respectively.
- The subject-matter of claims **10 and 17** therefore is **not new**, Article 33(2) PCT.



- 2      Dependent claims **2-7, 11, 14-16, 18-22** appear to add nothing of inventive significance in the sense of Article 33(3) PCT to those independent claims to which they are appended, as the additional features introduced by said dependent claims refer only to minor implementing details which are disclosed or obviously derivable from the cited document **D1** (claims 3-6, 14, 15, 19-22), or fall within the general knowledge of a person skilled in the art (claims 2, 7, 11, 16, 18).

Due to the above reasons, said claims **2-7, 11, 14-16, 18-22** do not meet the requirements of Article 33(1) and (3) PCT.

- 3      **Dependent claims 8, 9, 12, 13, 23 and 24** disclose the UE determining the complete transmission time of the control message and in case it takes more than N frames, i.e. CFN roll over, the UE applies the configuration change at a time earlier than indicated in the extracted time information. These features are neither disclosed nor rendered obvious by any prior art documents cited in the search report. They appear, taken in combination, to be **novel and inventive** and therefore comply to the requirements of Article 33 PCT.
- 4      The subject-matter of claims **1-24** is **industrially applicable**, see Article 33(4) PCT.

### **Re Item VII**

#### **Certain defects in the international application (form and content)**

In case of submitting amendments -e.g. in the PCT Chapter II or in the regional phase- the following remarks should be noted:

- 1      Independent claims should have been drafted in a proper **two-part form** in accordance with Rule 6.3(b) PCT, having a preamble that correctly reflects the nearest prior art represented by document **D1**.
- 2      To increase the intelligibility, all the claims should have included **reference signs** in parentheses where features shown in the drawings are referred to, Rule 6.2b PCT. This applies both to the preamble and characterising portion, PCT Guidelines 5.11.
- 3      Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document **D1** is not mentioned in the description. Document **D1** should have been acknowledged by reference in the introductory part of the description.

While filing amended claims, the applicant is requested to take into consideration comments comprised in all sections of this communication. The applicant is requested to clearly identify the amendments carried out, no

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2011/035214

---

matter whether whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (Rule 66.8(a)PCT). This is necessary to ensure that no subject-matter has been added that extends beyond the content of the application as originally filed, Article 34(2)(b) PCT, rendering all amendments made valid.

The applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT, the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	<p>For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.</p>
Amending claims under Art. 19 PCT	<p>Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.</p>
Filing a demand for international preliminary examination	<p>In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).</p> <p>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).</p>
Filing informal comments	<p>After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.</p>
End of the international phase	<p>At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).</p>
Relevant PCT Rules and more information	<p>Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003</p>

Bitte beachten Sie, dass angeführte Nichtpatentliteratur (wie z. B. wissenschaftliche oder technische Dokumente) je nach geltendem Recht dem Urheberrechtsschutz und/oder anderen Schutzarten für schriftliche Werke unterliegen könnte. Die Vervielfältigung urheberrechtlich geschützter Texte, ihre Verwendung in anderen elektronischen oder gedruckten Publikationen und ihre Weitergabe an Dritte ist ohne ausdrückliche Zustimmung des Rechtsinhabers nicht gestattet.

Veuillez noter que les ouvrages de la littérature non-brevets qui sont cités, par exemple les documents scientifiques ou techniques, etc., peuvent être protégés par des droits d'auteur et/ou toute autre protection des écrits prévue par les législations applicables. Les textes ainsi protégés ne peuvent être reproduits ni utilisés dans d'autres publications électroniques ou imprimées, ni rediffusés sans l'autorisation expresse du titulaire du droit d'auteur.

Please be aware that cited works of non-patent literature such as scientific or technical documents or the like may be subject to copyright protection and/or any other protection of written works as appropriate based on applicable laws. Copyrighted texts may not be copied or used in other electronic or printed publications or re-distributed without the express permission of the copyright holder.

PCT CLAIMS FROM PCT/US2011/035214

1. A method, comprising:  
at a mobile wireless communication device, wherein when the mobile wireless communication device is connected in a first configuration mode to a wireless network,  
receiving a control message at a local receive time from a radio network subsystem in the wireless network;  
extracting from the received control message a time indication for when to start a configuration mode change; and  
reconfiguring the mobile wireless communication device to a second configuration mode at a local start time based on the extracted time indication and the local receive time.
2. The method as recited in claim 1, further comprising:  
comparing the extracted time indication to the local receive time; and  
reconfiguring the mobile wireless communication device to the second configuration mode immediately when the extracted time indication precedes the local receive time.
3. The method as recited in claim 1, further comprising:  
determining a time interval value from a set of parameters extracted from the received control message; and  
reconfiguring the mobile wireless communication device back to the first configuration mode at a local end time based on the determined time interval value and the local receive time.
4. The method as received in claim 3, wherein the local end time precedes the local start time plus the determined time interval value.
5. The method as recited in claim 1, wherein the mobile wireless communication device transmits and receives messages as a series of consecutive frames, and the second configuration mode includes transmitting or receiving at least one compressed frame having a transmission gap and at least one uncompressed frame having no transmission gaps.

PCT CLAIMS FROM PCT/US2011/035214

6. The method as recited in claim 5, further comprising:  
at the mobile wireless communication device,  
maintaining a local frame counter based on a system frame counter provided by the radio network subsystem in the wireless network;  
wherein the extracted time indication to start the configuration mode change indicates a value for the local frame counter, and the value for the local frame counter is calculated modulo an integer N.
7. The method as recited in claims 5 or 6, wherein the control message includes a plurality of frames; and the local receive time is a value for the local frame counter when the final frame of the control message is correctly received by the mobile wireless communication device.
8. The method as recited in any of claims 5 - 7, further comprising:  
at the mobile wireless communication device,  
determining a first extended local frame counter value based on the system frame counter for a first received frame in the received control message;  
determining a second extended local frame counter value based on the system frame counter for a last received frame in the received control message; and  
configuring the mobile wireless communication device to the second configuration mode at a time earlier than indicated by the extracted time indication when the difference between the second and first extended local frame counter values is at least equal to the integer value N.
9. The method as recited in any of claims 5 - 8, further comprising:  
at the mobile wireless communication device,  
determining a first extended local frame counter value based on the system frame counter for a first received frame in the received control message;  
determining a second extended local frame counter value based on the system frame counter for a last received frame in the received control message;

determining a third extended local frame counter value based on the extracted time indication, the third extended local frame counter value being greater than the second extended local frame counter value; and

configuring the mobile wireless communication device to the second configuration mode at a time earlier than indicated by the third extended local frame counter value when the difference between the third and first extended local frame counter values is at least equal to the integer value N.

10. A mobile wireless communication device, comprising:

a wireless transceiver arranged to receive a configuration mode change message from a wireless network subsystem at a local receive time, the configuration mode change message including a time indication for the start of a configuration mode change from a first configuration mode to a second configuration mode; and

a processor coupled to the wireless transceiver, the processor arranged to execute instructions for:

extracting the time indication for the start of the configuration mode change from the received configuration mode change message,

comparing the extracted time indication to the local receive time, and

reconfiguring the wireless transceiver to the second configuration mode at a time different than the extracted time indication when the extracted time indication precedes the local receive time.

11. The mobile wireless communication device as recited in claim 10, wherein the local receive time equals a local counter value when the configuration change message is completely received at the mobile wireless communication device.

12. The mobile wireless communication device as recited in claim 10, wherein the configuration mode change message includes a plurality of message units; and

the processor is further arranged to execute instructions for:

determining a first time value when a first message unit of the configuration mode change message is received;

determining a second time value when all of the plurality of message units is received;  
calculating a receive time interval based on a difference between the first and second time values; and  
initiating the configuration mode change when the receive time interval exceeds a threshold.

13. The mobile wireless communication device as recited in claim 12, wherein the processor is further arranged to execute instructions for:

receiving transmissions from the wireless network subsystem as a series of consecutive frames; and

incrementing a finite length local counter by one counter value for each frame received;  
wherein the threshold equals a time for the finite length local counter in the mobile wireless communication device to complete a full cycle of counter values.

14. The mobile wireless communication device as recited in claim 10, wherein the processor is further arranged to execute instructions for:

determining a time interval value from a set of parameters extracted from the received configuration mode change message, the time interval value specifying a time period length for the wireless transceiver to operate in the second configuration mode; and

reconfiguring the wireless transceiver from the second configuration mode back to the first configuration mode after a time interval shorter than specified by the determined time interval value.

15. The mobile wireless communication device as recited in claim 14, wherein the processor is further arranged to execute instructions for:

transmitting and receiving messages between the wireless transceiver and the wireless network subsystem as a series of consecutive frames;

wherein the first configuration mode uses continuous frames with no transmission gaps; and the second configuration mode includes at least one compressed frame having a transmission cap and at least one uncompressed frame having no transmission gaps.



PCT CLAIMS FROM PCT/US2011/035214

16. The mobile wireless communication device as recited in claims 14 or 15, wherein the processor is further arranged to execute instructions for:

maintaining a finite length local counter based on a system counter provided by the wireless network subsystem; and

incrementing the finite length local counter by one counter value modulo an integer value N for each frame received;

wherein the local receive time corresponds to a value of the finite length local counter for the final frame correctly received in the configuration mode change message.

17. Computer program product encoded in a computer readable medium for reconfiguring a mobile wireless communication device connected to a wireless network, the computer program product comprising:

non-transitory computer program code for receiving a control message at a local receive time from a radio network subsystem in the wireless network;

non-transitory computer program code for extracting a time indication for when to start a configuration mode change from the received control message; and

non-transitory computer program code for reconfiguring the mobile wireless communication device to a second configuration mode at a local start time based on the extracted time indication and the local receive time.

18. The computer program product as recited in claim 17, further comprising:

non-transitory computer program code for comparing the extracted time indication to the local receive time; and

non-transitory computer program code for reconfiguring the mobile wireless communication device to the second configuration mode immediately when the extracted time indication precedes the local receive time.

19. The computer program product as recited in claim 17, further comprising:

non-transitory computer program code for determining a time interval value from a set of parameters extracted from the received control message; and

PCT CLAIMS FROM PCT/US2011/035214

non-transitory computer program code for reconfiguring the mobile wireless communication device back to the first configuration mode at a local end time based on the determined time interval value and the local receive time.

20. The computer program product as recited in claim 19, wherein the local end time precedes the local start time plus the determined time interval value.

21. The computer program product as recited in claim 17, further comprising:  
non-transitory computer program code for controlling a transceiver in the mobile wireless communication device to transmit and receive messages as a series of consecutive frames,  
wherein the second configuration mode includes transmitting or receiving at least one compressed frame having a transmission gap and at least one uncompressed frame having no transmission gaps.

22. The computer program product as recited in claim 21, further comprising:  
non-transitory computer program code for maintaining a local frame counter based on a system frame counter provided by the radio network subsystem in the wireless network;  
wherein the extracted time indication to start the configuration mode change indicates a value for the local frame counter, and the value for the local frame counter is calculated modulo an integer N.

23. The computer program product as recited in claim 22, further comprising:  
non-transitory computer program code for determining a first extended local frame counter value based on the system frame counter for a first received frame in the received control message;  
non-transitory computer program code for determining a second extended local frame counter value based on the system frame counter for a last received frame in the received control message; and  
non-transitory computer program code for configuring the mobile wireless communication device to the second configuration mode at a time earlier than indicated by the

PCT CLAIMS FROM PCT/US2011/035214

extracted time indication when the difference between the second and first extended local frame counter values is at least equal to the integer value N;

wherein values for the extended local frame counter are calculated modulo an integer M > N.

24. The computer program product as recited in claim 22, further comprising:

non-transitory computer program code for determining a first extended local frame counter value based on the system frame counter for a first received frame in the received control message;

non-transitory computer program code for determining a second extended local frame counter value based on the system frame counter for a last received frame in the received control message;

non-transitory computer program code for determining a third extended local frame counter value based on the extracted time indication, the third extended local frame counter value being greater than the second extended local frame counter value; and

non-transitory computer program code for configuring the mobile wireless communication device to the second configuration mode at a time earlier than indicated by the third extended local frame counter value when the difference between the third and first extended local frame counter values is at least equal to the integer value N;

wherein values for the extended local frame counter are calculated modulo an integer M > N.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,907	05/13/2010	Jianxiong SHI	APL1P701/P9322US1	9485
62464	7590	07/15/2011		
BEYER LAW GROUP LLP P.O. BOX 1687 CUPERTINO, CA 95015-1687			EXAMINER BOST, DWAYNE D	
			ART UNIT	PAPER NUMBER
			2617	
			NOTIFICATION DATE	DELIVERY MODE
			07/15/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOmail@beyerlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**BEYER LAW GROUP LLP  
P.O. BOX 1687  
CUPERTINO CA 95015-1687**

**In re Application of  
SHI et al.**

**Application No.: 12/779,907**

**Filed: 13 May 2010**

**Attorney Docket No.: APL1P701/P9322US1**

**For: METHOD TO CONTROL  
CONFIGURATION CHANGE TIMES  
IN A WIRELESS DEVICE**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 11 July 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

Requirements (1-3) and (5-8) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet requirement (4).

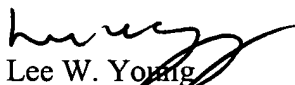
Regarding the requirement of condition (4), applicant has failed to ensure that all the claims in the U.S. application sufficiently to the claims that have novelty, inventive step, and industrial applicability in the PCT application. For example, PCT claim 8 requires transmitting and receiving messages as a series of consecutive frame (via claim 5) but this limitation is not required by US claim 25. Another example is that US claim 30 is directed to a method while PCT claim 12 is directed to a device. These claims clearly do not have the same scope. Applicant is responsible for ensure that all the claims in the U.S. application sufficiently to the claims that have novelty, inventive step, and industrial applicability in the PCT application.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Lee W. Young  
TQAS Technology Center 2600

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND THE USPTO

Application No:	12/779,907	Filing date:	May 13, 2010
First Named Inventor:	Jianxiong Shi		
Title of the Invention:	METHOD TO CONTROL CONFIGURATION CHANGE TIMES IN A WIRELESS DEVICE		

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EF5\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2011/035214

**The international filing date of the corresponding PCT application(s) is/are:** May 4, 2011

## I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒

Is attached

☐

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE EPO AND THE USPTO**

(continued)

Application No.: 12/779,907

First Named Inventor: Jianxiong Shi

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on 07-11-2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on 07-11-2011

**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	9	US Claim 1 corresponds to patentable PCT Claim 9 (depending from PCT Claim 1 through PCT Claims 5 and 6)
10	12	US Claim 10 corresponds patentable PCT Claim 12
13	13	US Claim 13 corresponds to patentable PCT Claim 13
17	23	US Claim 17 corresponds to patentable PCT Claim 23
25	8	US Claim 25 corresponds to patentable PCT Claim 8 (depending from PCT Claim 1 through PCT Claims 5 and 6)
36	24	US Claim 36 corresponds to patentable PCT Claim 24
2-4, 7	9	US Claims 2-4 and 7 depend from US Claim 1 (narrower than patentable PCT Claim 9)
11, 13-16	12	US Claims 11 and 13-16 depend from US Claim 10 (narrower than patentable PCT Claim 12)
18-20	23	US Claims 18-20 depend from US Claim 17 (narrower than patentable PCT Claim 23)
26-29	8	US Claims 26-29 depend from US Claim 25 (narrower than patentable PCT Claim 8)

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /James T. Aslanis, Jr./

Date July 26, 2011

Name (Print/Typed) James T. Aslanis, Jr.

Registration Number 65,944



## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: Ferrazano, Michael J.  
BEYER LAW GROUP LLP  
P.O. Box 1687  
Cupertino, CA 95015-1687  
ETATS-UNIS D'AMERIQUE

BEYER LAW GROUP LLP  
ATTY. AT LAW ASSOC. 84  
ACTION 10/1/13  
10/1/13  
ONE DATE 9/13/13

# PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing  
(day/month/year)

6 July 2011 (06-07-2011)

Applicant's or agent's file reference  
APL1P701WO

## FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.  
PCT/US2011/035214

International filing date  
(day/month/year)

4 May 2011 (04-05-2011)

**Applicant**

APPL F INC

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland. Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

#### 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90**bis**.1 and 90**bis**.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later), otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040  
Fax: (+31-70) 340-3016

Authorized officer

PATRICE, Nathalie  
Tel: +49 (0)89 2399-7205

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>APL1P701WO</b>	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, Item 5 below.</small>	
International application No.  <b>PCT/US2011/035214</b>	International filing date (day/month/year)  <b>04/05/2011</b>	(Earliest) Priority Date (day/month/year)  <b>13/05/2010</b>
Applicant  <b>APPLE INC.</b>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant  
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 11  
☒ as suggested by the applicant  
☐ as selected by this Authority, because the applicant failed to suggest a figure  
☐ as selected by this Authority, because this figure better characterizes the invention  
b. ☐ none of the figures is to be published with the abstract

## INTERNATIONAL SEARCH REPORT

International application No

PCT/US2011/035214

## A. CLASSIFICATION OF SUBJECT MATTER

INV. H04W76/04

ADD. H04W24/10 H04W72/12

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

H04W

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	"Universal Mobile Telecommunications System (UMTS); Radio Resource Control (RRC); Protocol specification (3GPP TS 25.331 version 9.1.0 Release 9)", TECHNICAL SPECIFICATION, EUROPEAN TELECOMMUNICATIONS STANDARDS INSTITUTE (ETSI), 650, ROUTE DES LUCIOLES ; F-06921 SOPHIA-ANTIPOLIS ; FRANCE, vol. 3GPP RAN 2, no. V9.1.0, 1 February 2010 (2010-02-01), XP014046584, figures 8.4.1-1 page 286 - page 287 section 8.6.6.15; page 435 - page 437 page 805 - page 809 ----- -/-	1-7, 10, 11, 14-22



Further documents are listed in the continuation of Box C.



See patent family annex.

## \* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

29 June 2011

Date of mailing of the international search report

06/07/2011

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040,  
Fax: (+31-70) 340-3016

Authorized officer

Tozlovanu, Ana-Delia

# INTERNATIONAL SEARCH REPORT

International application No

PCT/US2011/035214

## C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>WO 2009/019129 A1 (INFINEON TECHNOLOGIES  AG [DE]; CHOI HYUNG-NAM [DE])  12 February 2009 (2009-02-12)  abstract  paragraph [0008] - paragraph [0009]  paragraph [0017]; table 1  -----</p>	1-24

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No  
PCT/US2011/035214

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 2009019129 A1	12-02-2009	CN 101772927 A	07-07-2010
		EP 2176994 A1	21-04-2010
		KR 20100030670 A	18-03-2010
		US 2009042559 A1	12-02-2009
<hr/>			

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: Ferrazano, Michael J.  
BEYER LAW GROUP LLP  
P.O. Box 1687  
Cupertino, CA 95015-1687  
ETATS-UNIS D'AMERIQUE

BEYER LAW GROUP LLP  
ATTY. AT LAW ASSOC. S  
ACTION 10/10/11  
10/10/11  
DUE DATE 10/13/11

## PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing  
(day/month/year)

6 July 2011 (06-07-2011)

Applicant's or agent's file reference  
APL1P701WO

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.  
PCT/US2011/035214

International filing date  
(day/month/year) 4 May 2011 (04-05-2011)

**Applicant**

APPLE INC

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland. Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

#### 4. Reminders

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before completion of the technical preparations for international publication (Rules 90*bis*.1 and 90*bis*.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the *PCT Applicant's Guide*, National Chapters.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040  
Fax: (+31-70) 340-3016

Authorized officer

PATRICE, Nathalie  
Tel: +49 (0)89 2399-7205

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2011/035214

International filing date (day/month/year)  
04.05.2011

Priority date (day/month/year)  
13.05.2010

International Patent Classification (IPC) or both national classification and IPC  
INV. H04W76/04 ADD. H04W24/10 H04W72/12

Applicant  
APPLE INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0  
Fax: +49 89 2399 - 4465

Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

Tozlovanu, Ana-Delia  
Telephone No. +49 89 2399-4864



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2011/035214

---

**Box No. I Basis of the opinion**

---

1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
  - a. (means)
    - ☐ on paper
    - ☐ in electronic form
  - b. (time)
    - ☐ in the international application as filed
    - ☐ together with the international application in electronic form
    - ☐ subsequently to this Authority for the purposes of search
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

---

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

---

1. Statement

Novelty (N)	Yes: Claims	<u>2-9, 11-16, 18-24</u>
	No: Claims	<u>1, 10, 17</u>
Inventive step (IS)	Yes: Claims	<u>8, 9, 12, 13, 23, 24</u>
	No: Claims	<u>1-7, 10, 11, 14-22</u>
Industrial applicability (IA)	Yes: Claims	<u>1-24</u>
	No: Claims	

2. Citations and explanations

see separate sheet



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2011/035214

---

---

**Box No. VII Certain defects in the international application**

---

The following defects in the form or contents of the international application have been noted:

see separate sheet

Reference is made to the following document:

- D1** "Universal Mobile Telecommunications System (UMTS); Radio Resource Control (RRC); Protocol specification (3GPP TS 25.331 version 9.1.0 Release 9)", 1 February 2010, **XP014046584**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 1 The present application does not meet the criteria of Article 33 PCT, because the subject-matter of independent claims **1, 10 and 17 is not new** in the sense of Article 33(2) PCT.
- 1.1 Document **D1** discloses all the features of claim 1 (the references in parentheses applying to this document):
- A method, comprising:
- at a mobile wireless communication device, wherein when the mobile wireless communication device is connected in a first configuration mode to a wireless network,
- receiving a control message at a local receive time from a radio network subsystem in the wireless network (*D1, Figure 8.4.1-1*);
- extracting from the received control message a time indication for when to start a configuration mode change (*D1, "TGCFN", page 286, last but two paragraph; section 10.3.6.34 on page 809*); and
- reconfiguring the mobile wireless communication device to a second configuration mode at a local start time based on the extracted time indication and the local receive time (*implicitly disclosed in D1, "activate the pattern sequence corresponding to each IE 'TGPSI' for which the 'TGPS status flag' in this message is set to 'activate' at the time indicated by IE 'TGCFN' "*).
- D1** thus discloses all features of independent claim 1. Subject-matter of claim 1 lacks novelty in the sense of the Article 33(2) PCT.
- 1.2 The same considerations as made in paragraph 2 above regarding claim 1 also apply to independent claims 10 and 17 since these claims include the same feature combinations as claim 1 in terms of claims relating to an apparatus and a computer program, respectively.
- The subject-matter of claims **10 and 17** therefore is **not new**, Article 33(2) PCT.

- 2      Dependent claims **2-7, 11, 14-16, 18-22** appear to add nothing of inventive significance in the sense of Article 33(3) PCT to those independent claims to which they are appended, as the additional features introduced by said dependent claims refer only to minor implementing details which are disclosed or obviously derivable from the cited document **D1** (claims 3-6, 14, 15, 19-22), or fall within the general knowledge of a person skilled in the art (claims 2, 7, 11, 16, 18).
- Due to the above reasons, said claims **2-7, 11, 14-16, 18-22** do not meet the requirements of Article 33(1) and (3) PCT.
- 3      **Dependent claims 8, 9, 12, 13, 23 and 24** disclose the UE determining the complete transmission time of the control message and in case it takes more than N frames, i.e. CFN roll over, the UE applies the configuration change at a time earlier than indicated in the extracted time information. These features are neither disclosed nor rendered obvious by any prior art documents cited in the search report. They appear, taken in combination, to be **novel and inventive** and therefore comply to the requirements of Article 33 PCT.
- 4      The subject-matter of claims **1-24 is industrially applicable**, see Article 33(4) PCT.

#### **Re Item VII**

##### **Certain defects in the international application (form and content)**

In case of submitting amendments -e.g. in the PCT Chapter II or in the regional phase- the following remarks should be noted:

- 1      Independent claims should have been drafted in a proper **two-part form** in accordance with Rule 6.3(b) PCT, having a preamble that correctly reflects the nearest prior art represented by document **D1**.
- 2      To increase the intelligibility, all the claims should have included **reference signs** in parentheses where features shown in the drawings are referred to, Rule 6.2b PCT. This applies both to the preamble and characterising portion, PCT Guidelines 5.11.
- 3      Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document **D1** is not mentioned in the description. Document **D1** should have been acknowledged by reference in the introductory part of the description.

While filing amended claims, the applicant is requested to take into consideration comments comprised in all sections of this communication. The applicant is requested to clearly identify the amendments carried out, no

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2011/035214

---

matter whether whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (Rule 66.8(a)PCT). This is necessary to ensure that no subject-matter has been added that extends beyond the content of the application as originally filed, Article 34(2)(b) PCT, rendering all amendments made valid.

The applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT, the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.

PCT CLAIMS FROM PCT/US2011/035214

1. A method, comprising:
  - at a mobile wireless communication device, wherein when the mobile wireless communication device is connected in a first configuration mode to a wireless network,
  - receiving a control message at a local receive time from a radio network subsystem in the wireless network;
  - extracting from the received control message a time indication for when to start a configuration mode change; and
  - reconfiguring the mobile wireless communication device to a second configuration mode at a local start time based on the extracted time indication and the local receive time.
2. The method as recited in claim 1, further comprising:
  - comparing the extracted time indication to the local receive time; and
  - reconfiguring the mobile wireless communication device to the second configuration mode immediately when the extracted time indication precedes the local receive time.
3. The method as recited in claim 1, further comprising:
  - determining a time interval value from a set of parameters extracted from the received control message; and
  - reconfiguring the mobile wireless communication device back to the first configuration mode at a local end time based on the determined time interval value and the local receive time.
4. The method as received in claim 3, wherein the local end time precedes the local start time plus the determined time interval value.
5. The method as recited in claim 1, wherein the mobile wireless communication device transmits and receives messages as a series of consecutive frames, and the second configuration mode includes transmitting or receiving at least one compressed frame having a transmission gap and at least one uncompressed frame having no transmission gaps.

PCT CLAIMS FROM PCT/US2011/035214

6. The method as recited in claim 5, further comprising:
  - at the mobile wireless communication device,
  - maintaining a local frame counter based on a system frame counter provided by the radio network subsystem in the wireless network;
  - wherein the extracted time indication to start the configuration mode change indicates a value for the local frame counter, and the value for the local frame counter is calculated modulo an integer N.
7. The method as recited in claims 5 or 6, wherein the control message includes a plurality of frames; and the local receive time is a value for the local frame counter when the final frame of the control message is correctly received by the mobile wireless communication device.
8. The method as recited in any of claims 5 - 7, further comprising:
  - at the mobile wireless communication device,
  - determining a first extended local frame counter value based on the system frame counter for a first received frame in the received control message;
  - determining a second extended local frame counter value based on the system frame counter for a last received frame in the received control message; and
  - configuring the mobile wireless communication device to the second configuration mode at a time earlier than indicated by the extracted time indication when the difference between the second and first extended local frame counter values is at least equal to the integer value N.
9. The method as recited in any of claims 5 - 8, further comprising:
  - at the mobile wireless communication device,
  - determining a first extended local frame counter value based on the system frame counter for a first received frame in the received control message;
  - determining a second extended local frame counter value based on the system frame counter for a last received frame in the received control message;

PCT CLAIMS FROM PCT/US2011/035214

determining a third extended local frame counter value based on the extracted time indication, the third extended local frame counter value being greater than the second extended local frame counter value; and

configuring the mobile wireless communication device to the second configuration mode at a time earlier than indicated by the third extended local frame counter value when the difference between the third and first extended local frame counter values is at least equal to the integer value N.

10. A mobile wireless communication device, comprising:

a wireless transceiver arranged to receive a configuration mode change message from a wireless network subsystem at a local receive time, the configuration mode change message including a time indication for the start of a configuration mode change from a first configuration mode to a second configuration mode; and

a processor coupled to the wireless transceiver, the processor arranged to execute instructions for:

extracting the time indication for the start of the configuration mode change from the received configuration mode change message,

comparing the extracted time indication to the local receive time, and

reconfiguring the wireless transceiver to the second configuration mode at a time different than the extracted time indication when the extracted time indication precedes the local receive time.

11. The mobile wireless communication device as recited in claim 10, wherein the local receive time equals a local counter value when the configuration change message is completely received at the mobile wireless communication device.

12. The mobile wireless communication device as recited in claim 10, wherein the configuration mode change message includes a plurality of message units; and

the processor is further arranged to execute instructions for:

determining a first time value when a first message unit of the configuration mode change message is received;

PCT CLAIMS FROM PCT/US2011/035214

determining a second time value when all of the plurality of message units is received;  
calculating a receive time interval based on a difference between the first and second time values; and  
initiating the configuration mode change when the receive time interval exceeds a threshold.

13. The mobile wireless communication device as recited in claim 12, wherein the processor is further arranged to execute instructions for:

receiving transmissions from the wireless network subsystem as a series of consecutive frames; and

incrementing a finite length local counter by one counter value for each frame received;  
wherein the threshold equals a time for the finite length local counter in the mobile wireless communication device to complete a full cycle of counter values.

14. The mobile wireless communication device as recited in claim 10, wherein the processor is further arranged to execute instructions for:

determining a time interval value from a set of parameters extracted from the received configuration mode change message, the time interval value specifying a time period length for the wireless transceiver to operate in the second configuration mode; and

reconfiguring the wireless transceiver from the second configuration mode back to the first configuration mode after a time interval shorter than specified by the determined time interval value.

15. The mobile wireless communication device as recited in claim 14, wherein the processor is further arranged to execute instructions for:

transmitting and receiving messages between the wireless transceiver and the wireless network subsystem as a series of consecutive frames;

wherein the first configuration mode uses continuous frames with no transmission gaps;  
and the second configuration mode includes at least one compressed frame having a transmission cap and at least one uncompressed frame having no transmission gaps.



PCT CLAIMS FROM PCT/US2011/035214

16. The mobile wireless communication device as recited in claims 14 or 15, wherein the processor is further arranged to execute instructions for:

maintaining a finite length local counter based on a system counter provided by the wireless network subsystem; and

incrementing the finite length local counter by one counter value modulo an integer value N for each frame received;

wherein the local receive time corresponds to a value of the finite length local counter for the final frame correctly received in the configuration mode change message.

17. Computer program product encoded in a computer readable medium for reconfiguring a mobile wireless communication device connected to a wireless network, the computer program product comprising:

non-transitory computer program code for receiving a control message at a local receive time from a radio network subsystem in the wireless network;

non-transitory computer program code for extracting a time indication for when to start a configuration mode change from the received control message; and

non-transitory computer program code for reconfiguring the mobile wireless communication device to a second configuration mode at a local start time based on the extracted time indication and the local receive time.

18. The computer program product as recited in claim 17, further comprising:

non-transitory computer program code for comparing the extracted time indication to the local receive time; and

non-transitory computer program code for reconfiguring the mobile wireless communication device to the second configuration mode immediately when the extracted time indication precedes the local receive time.

19. The computer program product as recited in claim 17, further comprising:

non-transitory computer program code for determining a time interval value from a set of parameters extracted from the received control message; and

PCT CLAIMS FROM PCT/US2011/035214

non-transitory computer program code for reconfiguring the mobile wireless communication device back to the first configuration mode at a local end time based on the determined time interval value and the local receive time.

20. The computer program product as recited in claim 19, wherein the local end time precedes the local start time plus the determined time interval value.

21. The computer program product as recited in claim 17, further comprising:  
non-transitory computer program code for controlling a transceiver in the mobile wireless communication device to transmit and receive messages as a series of consecutive frames,  
wherein the second configuration mode includes transmitting or receiving at least one compressed frame having a transmission gap and at least one uncompressed frame having no transmission gaps.

22. The computer program product as recited in claim 21, further comprising:  
non-transitory computer program code for maintaining a local frame counter based on a system frame counter provided by the radio network subsystem in the wireless network;  
wherein the extracted time indication to start the configuration mode change indicates a value for the local frame counter, and the value for the local frame counter is calculated modulo an integer N.

23. The computer program product as recited in claim 22, further comprising:  
non-transitory computer program code for determining a first extended local frame counter value based on the system frame counter for a first received frame in the received control message;  
non-transitory computer program code for determining a second extended local frame counter value based on the system frame counter for a last received frame in the received control message; and  
non-transitory computer program code for configuring the mobile wireless communication device to the second configuration mode at a time earlier than indicated by the

PCT CLAIMS FROM PCT/US2011/035214

extracted time indication when the difference between the second and first extended local frame counter values is at least equal to the integer value  $N$ ;

wherein values for the extended local frame counter are calculated modulo an integer  $M > N$ .

24. The computer program product as recited in claim 22, further comprising:

non-transitory computer program code for determining a first extended local frame counter value based on the system frame counter for a first received frame in the received control message;

non-transitory computer program code for determining a second extended local frame counter value based on the system frame counter for a last received frame in the received control message;

non-transitory computer program code for determining a third extended local frame counter value based on the extracted time indication, the third extended local frame counter value being greater than the second extended local frame counter value; and

non-transitory computer program code for configuring the mobile wireless communication device to the second configuration mode at a time earlier than indicated by the third extended local frame counter value when the difference between the third and first extended local frame counter values is at least equal to the integer value  $N$ ;

wherein values for the extended local frame counter are calculated modulo an integer  $M > N$ .



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/779,907	05/13/2010	Jianxiong SHI	APLIP701/P9322US1	9485

62464	7590	08/04/2011
BEYER LAW GROUP LLP		
P.O. BOX 1687		
CUPERTINO, CA 95015-1687		

EXAMINER	
BOST, DWAYNE D	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
08/04/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOmail@beyerlaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**BEYER LAW GROUP LLP  
P.O. BOX 1687  
CUPERTINO CA 95015-1687**

**In re Application of  
SHI et al.**

**Application No.: 12/779,907**

**Filed: 13 May 2010**

**Attorney Docket No.: APL1P701/P9322US1**

**For: METHOD TO CONTROL  
CONFIGURATION CHANGE TIMES  
IN A WIRELESS DEVICE**

**: DECISION ON REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on 11 July 2011 and renewed 26 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability

along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

A handwritten signature in black ink, appearing to read 'Lee W. Young', with a stylized flourish at the end.

Lee W. Young  
TQAS Technology Center 2600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ERIC HANSCOM  
2141 PALOMAR AIRPORT ROAD, SUITE 320,  
CARLSBAD CA 92011

**MAILED**

**DEC 20 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Steven Michael BRYANT	:	
Application No. 12/779,942	:	DECISION ON PETITION
Filed: May 13, 2010	:	TO WITHDRAW
Attorney Docket No. BRYANT-UP-2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed November 23, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Eric Hanscom does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions

Cc: MICHAEL BRYANT  
32051 VIRGINIA WAY  
LAGUNA BEACH CA 92651

All \*\* IMIS (12/28/2011) 1 of 1 Fit Page

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

DATE : 12/28/2011  
 TO SPE OF : ART UNIT 2824 Richard Elms (SPE)  
 SUBJECT : Request for Certificate of Correction for Appl. No.: 12/780026 Patent No.: 8054671  
 Co/C mailroom date: \_\_\_\_\_

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (Co/C)  
 Randolph Square - 9D10-A  
 Palm Location 7580

Note: \_\_\_\_\_  
 \_\_\_\_\_

H. R. Elms  
 Certificates of Correction Branch  
 571-272-8680 \_\_\_\_\_

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ Approved

All changes apply.

☐ Approved in Part

Specify below which changes do not apply.

☐ Denied

State the reasons for denial below.

Comments: \_\_\_\_\_

**approved, HWBrite 3/6/12**

Richard T. Elms  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2800

SPE

Art Unit



Receipt date: 12/22/2011

OK TO ENTER: /H.B./ (03/06/2012)

12780026 - GAU: 2824

Patent 8,054,671

PATENT

IN UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 8,054,671

Docket No: 3154.004US3

Issue Date: November 8, 2011

Patentee: Edward Sargent et al.

Customer No.: 21186

Confirmation No.: 9770

Title METHODS OF MAKING QUANTUM DOT FILMS

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ATTN: CERTIFICATE OF CORRECTION BRANCH

It is requested that a Certificate of Correction be issued correcting printing errors appearing in the above-identified United States patent. A copy of the text of the Certificate in the suggested form is enclosed.

Issuance of the Certificate of Correction would neither expand nor contract the scope of the claims as properly allowed, and re-examination is not required.

**As the error is that of the Patent Office, it is believed that no fee is due.**

The Examiner is authorized to charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully Submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6900

Date : 12/22/2011

By

  
Bradley W. Scheer

Reg. No: 47,059

BWS:rk

CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on this 22 day of December 2011

Sallie Knudsen

Name

/Sallie Knudsen/

Signature

APPROVED: /H.B./ (03/06/2012)

Receipt date: 12/22/2011

OK TO ENTER: /H.B./ (03/06/2012)

12780026 - GAU: 2824

PTO/SB/44 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.  
(Form PTO-1050)

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 8,054,671

Page (1) of 1

DATED : November 8, 2011

INVENTOR(S) : Edward Sargent et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face page, in field (56), under "Foreign Patent Documents", in column 2, line 1, delete "102004009189" and insert - - 1020040091898 - -, therefor.

In column 37, lines 31-38, In Claim 69, delete "(c) annealing the film of nanocrystals so as to fuse the cores of the nanocrystals to the cores at least one adjacent nanocrystal and thus form an electrical network of fused nanocrystals;

and (d) providing first and second electrodes in spaced relation and in electrical communication with first and second portions of the electrical network of fused nanocrystals."

and insert - - (c) annealing the film of nanocrystals so as to fuse the cores of the nanocrystals to the cores of at least one adjacent nanocrystal and thus form an electrical network of fused nanocrystals; and

(d) providing first and second electrodes in spaced relation and in electrical communication with first and second portions of the electrical network of fused nanocrystals. - -, therefor.

MAILING ADDRESS OF SENDER:

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. BOX 2938  
Minneapolis, MN 55402

Att Docket No: 3154.004US3

PATENT NO. 8,054,671

No. of additional copies



APPROVED: /H.B./ (03/06/2012)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CONNOLLY BOVE  
LODGE & HUTZ LLP  
(FOR IBM YORKTOWN)  
P.O. BOX 2207  
WILMINGTON DE 19899-2207

MAILED

AUG 24 2010

OFFICE OF PETITIONS

In re Application of :  
Afzali-Ardakani :  
Application No. 12/780,029 : DECISION  
Filed/Deposited: 14 May, 2010 :  
Attorney Docket No. YOR920060086US3 :

This is a decision on the petition filed on 26 July, 2010, and properly considered pursuant to 37 C.F.R. ' 1.53.

For the reasons set forth below, the petition pursuant to 37 C.F.R. ' 1.53 is **DISMISSED**.

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

**BACKGROUND**

The instant application was deposited on 14 May, 2010.

On 26 May, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Items, indicating therein that the application had been accorded a filing date but without drawing FIG. 10 described in the specification.

Thus, the application was accorded a filing date but without drawing FIG. 10 described in the specification.

OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawing FIG. 10 was present on deposit, and provide a copy of the drawing figures; submit the drawings and accept the date of submission as the filing date; or accept the application as deposited.

OPAP set a two- (2-) month period for reply.

On 26 July, 2010, Petitioner submitted:

- a petition with fee and an averment, *inter alia*, that the drawing FIG. 10 was inadvertently left out of the application, and that Petitioner sought a filing date of “May 10, 2010” (sic)—it is noted that Petitioner’s own transmittal set forth a date of 14 May, 2010; and
- an averment that the application was a divisional of a prior application and Petitioner wished to incorporate by reference the contents of the prior application.

As of this writing, Petitioner has failed to clarify the conflict in his request for filing date and file a petition with the required components thereof for relief pursuant to 37 C.F.R. ‘1.57.

### ANALYSIS

After the instant application was deposited on 14 May, 2010, on 26 May, 2010, the Office of Patent Application Processing (OPAP) mailed a Notice of Omitted Items, indicating therein that the application had been accorded a filing date but without drawing FIG. 10 described in the specification. The application was accorded a filing date but without drawing FIG. 10 described in the specification. Further, OPAP indicated that Petitioner might: contend via petition (with support, *inter alia*, of e.g., a date-stamped receipt card (*see*: MPEP §503)) that the drawing FIG. 10 was present on deposit, and provide a copy of the drawing figures; submit the drawings and accept the date of submission as the filing date; or accept the application as deposited. And OPAP set a two- (2-) month period for reply.

On 26 July, 2010, Petitioner submitted: a petition with fee and an averment, *inter alia*, that the drawing FIG. 10 was inadvertently left out of the application, and that Petitioner sought a filing date of “May 10, 2010” (sic); and an averment that the application was a divisional of a prior application.

Petitioner has failed to clarify the conflict as to date in his request for filing date (14 May, 2010 as opposed to 10 May, 2010) and file a petition with the required components thereof for relief pursuant to 37 C.F.R. ‘1.57.

### CONCLUSION

The petition is dismissed; the error was not Office error, and the fee is not waived.

The application is released to the Office of Patent Application Processing (OPAP) for further processing as necessary with a filing date of 14 May, 2010, with 19 pages of specification

Application No. 12/780,029

(description, claims, abstract) and nine (9) sheets of drawings all as deposited, but without drawing FIG. 10.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>1</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>1</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

WILLIAM J. KOLEGRAFF  
3119 TURNBERRY WAY  
JAMUL CA 91935

**MAILED**

**MAY 27 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Goldberg, et al.	:	
Application No. 12/780,068	:	DECISION
Filed/Deposited: 14 May, 2010	:	
Attorney Docket No. AVA-12	:	

This is a decision on the petition filed on 7 January, 2011, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations  
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

**BACKGROUND**

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice to File Missing Parts mailed on 28 May, 2010, with reply due absent extension of time on or before 28 July, 2010.

The application went abandoned by operation of law after midnight 28 July, 2010.

It does not appear that the Office mailed the Notice of Abandonment before a petition was filed.

On 7 January, 2011, Petitioner filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.137(b), with a reply in the form of oath/declaration, fees, surcharge, replacement specification and drawings, and made the statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

#### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).<sup>2</sup> The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.<sup>3</sup>))

#### As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee:

---

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> 35 U.S.C. §133 provides:

**35 U.S.C. §133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

<sup>3</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

It appears that the requirements under the rule have been satisfied.

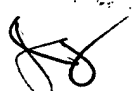
### CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Office of Patent Application Processing for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision. It is noted that all inquiries with regard to status need be directed to the OPAP where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>4</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>4</sup> The regulations at 37 C.F.R. §1.2 provide:  
**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Medtronic Inc. SSO  
Patent Department  
710 Medtronic Parkway  
LC 340  
Minneapolis, MN 55432

**MAILED**

**MAY 17 2011**

**OFFICE OF PETITIONS**

In re Application of  
Peter Paul Zilla, et. al.  
Application No. 12/780,098  
Filed: May 14, 2010  
Attorney Docket No. P0008428.07

:  
:  
:  
: DECISION ON PETITION  
:  
:

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 2011, to revive the above-identified application.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Jeffrey J. Hohenshell appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The above application became abandoned for failure to timely respond to the Notice to File Corrected Application Papers mailed May 27, 2010. A Notice of Abandonment was mailed on February 15, 2011.

Since the petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of three (3) sheets of replacement drawings containing Figures 1-3F; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay, the petition is **GRANTED**.

Further, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the \$2,350 extension of time fee submitted on April 20, 2011, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith  
Petitions Examiner  
Office of Petitions

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 004002

Application Number  
(if known): 12/780,102

Filing date: May 14, 2010

First Named  
Inventor: Stefan Stamoulis

Title: TOOL AND METHOD FOR ENHANCING THE EXTRACTION OF LANDFILL GAS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Preliminary Amendment; Application Data Sheet

Signature /Margaret A. Boulware/

Date Dec. 8, 2010

Name Margaret A. Boulware  
(Print/Typed)

Registration Number 28708

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of ..... forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Stefan Stamoulis

Application No.: 12/780,102

Confirmation No.: 9958

Filed: May 14, 2010

Art Unit: Not known

For: TOOL AND METHOD FOR ENHANCING

Examiner: Not Known

THE EXTRACTION OF LANDFILL GAS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PETITION FOR EXPEDITED HANDLING OF UTILITY PATENT APPLICATION  
UNDER GREEN TECHNOLOGY PILOT PROGRAM**

Applicant respectfully request that the above-referenced application be made special and advanced out of turn for examination pursuant to Green Technology pilot program implemented on December 8, 2009. Specifically, the application referenced above is related to greenhouse gas emission reduction.

Applicant respectfully represents that the current application meets the requirement set forth in the Federal Register, Vol. 74, No. 234, published on December 8, 2009, pages 64666 through page 64669, and Vol. 75, No. 217, published on November 10, 2010, pages 69049 through 69050. The requirements as stated include the following: 1) the application was filed on or after December 8, 2009; 2) Applicant believes the application will be classified in one of the U.S. classifications listed in Section IV; 3) Applicant is concurrently submitting a preliminary amendment to reduce the number of independent claims to three and twenty or fewer total claims; (4) the claims are directed to a single invention that materially enhances the quality of the environment by reducing greenhouse gas emissions; 5) this petition is filed before December 31, 2011; 6) Applicant believes this petition is filed before the mailing of a first Office Action; and

7) Applicant is concurrently submitting a petition to request early publication in compliance with 37 C.F.R. 1.219 along with the publication fee set for in 37 C.F.R. 1.18(d).

The currently application materially enhances the quality of the environment by reducing greenhouse gas emissions by rehabilitating existing non-functional landfill gas extraction wells. Since at least 1993, the need to rehabilitate existing LFG recovery wells has been a recognized unsolved problem. The claimed tool allows for capturing LFG in all stages of gas generation to minimize the release into the atmosphere, whereby reducing emissions of greenhouse gases.

In light of the nature of the current application as it relates to green technology, Applicant respectfully requests the Commissioner give this application expedited handling.

No additional fees are believed to be due for the submission of this preliminary amendment. However, should there be any additional fees required, please charge such additional fees to Deposit Account No. 50-5378, under Order No. 004002 (Boulware).

Dated: December 7, 2010

Respectfully submitted,

By /Margaret A. Boulware/  
Margaret A. Boulware  
Registration No.: 28,708  
Boulware & Valoir  
Three Riverway, Suite 950  
Houston, TX 77056  
832-369-7852  
713-650-6458 (Fax)  
Email: mboulware@boulwarevaloir.com



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,102	05/14/2010	Stefan Stamoulis	004002	9958
11132	7590	01/20/2011		
Boulware & Valoir Three Riverway, Suite 950 Houston, TX 77056			EXAMINER KRECK, JOHN J	
			ART UNIT	PAPER NUMBER
			3672	
			MAIL DATE	DELIVERY MODE
			01/20/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JAN 20 2011

Boulware & Valoir  
Three Riverway, Suite 950  
Houston TX 77056

In re Application of	:	
Stefan STAMOULIS	:	DECISION ON PETITION
Application No. 12/780,102	:	TO MAKE SPECIAL UNDER
Filed: May 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 004002	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 3, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to



make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 1.

In regard to item 1, petitioner should note that a review of the application claims has been made for the purposes of determining the number of claims contained therein. This application contains more than 3 independent claims: Claims 1, 9, 17 and 18. Claims 17 and 18 are considered to be independent claims because they are drawn to a different invention from that of claims 1 and 9. As set forth in the Notice, if the application contains more than 3 independent claims or more than 20 total claims, it will not be eligible to participate in the "Pilot Program for Green Technologies Including Greenhouse Gas Reduction."

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3672 for action in its regular turn.

/Lanna Mai/

---

Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Stefan Stamoulis

Application No.: 12/780,102

Confirmation No.: 9958

Filed: May 14, 2010

Art Unit: 3672

For: TOOL AND METHOD FOR ENHANCING

Examiner: KRECK, John J.

THE EXTRACTION OF LANDFILL GAS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**PETITION FOR RECONSIDERING THE DISMISSAL OF PETITION TO  
PARTICIPATE THE GREEN TECHNOLOGY PILOT PROGRAM**

In response to the dismissal of the petition to make special under the green technology pilot program, Applicant has cancelled claim 17, an independent claim, as shown in the accompanying preliminary amendment. Applicant believes that the captioned application currently contains only three independent claims, namely claims 1, 9 and 18. The Applicant believes that such amendment renders the application eligible to participate in the Pilot Program for Green Technologies Including Greenhouse Gas Reduction.

Applicant respectfully represents that the current application meets the requirement set forth in the Federal Register, Vol. 74, No. 234, published on December 8, 2009, pages 64666 through page 64669, and Vol. 75, No. 217, published on November 10, 2010, pages 69049 through 69050.

In light of the nature of the current application as it relates to green technology, Applicant respectfully requests the Commissioner give this application expedited handling.

No additional fees are believed to be due for the submission of this preliminary amendment. However, should there be any additional fees required, please charge such additional fees to Deposit Account No. 50-5378, under Order No. 004002 (Boulware).

Dated: January 26, 2011

Respectfully submitted,

By /Margaret A. Boulware/  
Margaret A. Boulware  
Registration No.: 28,708  
Boulware & Valoir  
Three Riverway, Suite 950  
Houston, TX 77056  
832-369-7852  
713-650-6458 (Fax)  
Email: mboulware@boulwarevaloir.com



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,102	05/14/2010	Stefan Stamoulis	PDTC:004002	9958
11132 7590 02/08/2011 Boulware & Valoir Three Riverway, Suite 950 Houston, TX 77056			EXAMINER KRECK, JOHN J	
			ART UNIT 3672	PAPER NUMBER
			MAIL DATE 02/08/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FEB - 8 2011

Boulware & Valoir  
Three Riverway, Suite 950  
Houston TX 77056

In re Application of	:	
Stefan STAMOULIS	:	DECISION ON PETITION
Application No. 12/780,102	:	TO MAKE SPECIAL UNDER
Filed: May 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 004002	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed on January 26, 2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3672 for action on the merits commensurate with this decision.

/Lanna Mai/

---

Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

ARENT FOX LLP  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON DC 20036

**MAILED**  
**JAN 06 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Such et al.	:	DECISION REFUSING STATUS
Application No. 12/780,248	:	UNDER 37 CFR 1.47(a)
Filed: 05/14/2010	:	
Attorney Docket No. 100519.00043	:	
Title: AQUEOUS DISPERSIONS OF	:	
POLYMER PARTICLES	:	

This decision is in response to the petition under 37 CFR 1.47(a), filed May 14, 2010, to accept the application without the signature of the legal representative of the deceased joint inventor, Robert John Hughes. Additionally, the declaration on May 14, 2010 will be considered pursuant to 37 CFR 1.42.

Section 409.03(c) of the Manual of Patent Examining Procedure (MPEP) states, in part:

37 CFR 1.47 should not be considered an alternative to 37 CFR 1.42 or 35 U.S.C. 117 since the language "cannot be found or reached after diligent effort" has no reasonable application to a deceased inventor. In re Application Papers Filed September 10, 1954, 108 USPQ 340 (Comm'r Pat. 1955). See 37 CFR 1.42 and MPEP § 409.01. However, 37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given (see MPEP § 409.03(e)).

Additionally, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17, (2) factual proof that the non-signing joint inventor (or legal representative) refuses to execute the declaration and join in the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor (or legal representative), and (4) an oath or declaration by each available inventor on his or her own behalf and behalf of the non-signing joint inventor.

The petition lacks items (1), (2) and (4) above.

Regarding item (1), applicant has not provided payment of the \$200.00 petition fee. Applicant is advised that payment of the fee set forth in 37 CFR 1.17(g) is required upon the filing of a petition under 37 CFR 1.47(a).

Regarding item (2) above, applicant asserts that the legal representative has refused to sign the declaration and join in the application. Section 409.03(d) of the MPEP states, in part:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient.

When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Regarding item (2) above, applicant has not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to the legal representative. Specifically, no documentary evidence to support the refusal or the attempt has been supplied with the declaration.

In order to meet the requirements of 37 CFR 1.47(a) and Section 409.03(d) of the MPEP, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers was sent to the legal representative and



when such papers were sent and that the legal representative has subsequently refused to execute the application. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, etc., should be supplied with the statement.

Regarding item (4) above, Section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicant filed declarations executed by five of the six inventors with the signature block of the nonsigning legal representative left blank. Additionally, applicant included a declaration where the signature block of the legal representative has been executed by one of the joint inventors. Because applicant submitted a declaration specifically executed on behalf of the legal representative by one of the joint inventors, the presumption that the other inventors executed the declaration on their own behalves and on behalf of the legal representative cannot be applied to the present declaration. Applicants must submit newly executed declarations executed by the signing inventors and containing unsigned signature blocks for the nonsigning legal representative. Such a declaration can then be treated as having been executed by the available inventors on their own behalves and on behalf of the nonsigning inventors. Until such declaration is submitted, item (4) is not satisfied.

Further, the declaration is not in compliance with 37 CFR 1.42 and 1.64(b). 37 CFR 1.42 states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Additionally, 37 CFR 1.64(b) states:

If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, 1.47, or § 1.67), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor is required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

As indicated above, the declaration must identify the legal representative's (executor, administrator, etc.) name, citizenship, and mailing address as well as the deceased inventor's name, citizenship and (last known) mailing address.

For the reasons stated above, it would not be appropriate to accept the application without the signature of legal representative under 37 CFR 1.47(a) at this time.

The petition under 37 CFR 1.47(a) is DISMISSED without prejudice..

The petition under 37 CFR 1.42 is REFUSED.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The Office notes that the present application is a divisional of Application No. 10/498,502. The record shows that Rule 1.47(a) status was granted in Application No. 10/498,502 by virtue of the decision mailed February 9, 2006. Pursuant to 37 CFR 1.63(d),

(3) Where the executed oath or declaration of which a copy is submitted for a continuation or divisional application was originally filed in a prior application accorded status under § 1.47, the copy of the executed oath or declaration for such prior application must be accompanied by:

(i) A copy of the decision granting a petition to accord § 1.47 status to the prior application, unless all inventors or legal representatives have filed an oath or declaration to join in an application accorded status under § 1.47 of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c); and

(ii) If one or more inventor(s) or legal representative(s) who refused to join in the prior application or could not be found or reached has subsequently joined in the prior application or another application of which the continuation or divisional application claims a benefit under 35 U.S.C. 120, 121, or 365(c), a copy of the subsequently executed oath(s) or declaration(s) filed by the inventor or legal representative to join in the application.

If applicant is seeking Rule 1.47(a) status due to the granting of such status in prior Application No. 10/498,502, petitioner must provide the Office with a copy of the executed declaration in

compliance with 37 CFR 1.63 and 1.64 for the prior application and a copy of the decision granting the petition to accord Rule 1.47 status in the prior application.

Further correspondence with respect to this matter should be addressed as follows:


By mail:                      Mail Stop PETITIONS  
                                 Commissioner for Patents  
                                 Post Office Box 1450  
                                 Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                 Mail Stop Petitions  
                                 Randolph Building  
                                 401 Dulany Street  
                                 Alexandria, VA 22314

By fax:                      (571) 273-8300  
                                 ATTN: Office of Petitions

Correspondence may also be submitted electronically to the USPTO.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.



Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ARENT FOX LLP  
1050 CONNECTICUT AVENUE, N.W.  
SUITE 400  
WASHINGTON DC 20036

**MAILED**  
**FEB 15 2011**  
**OFFICE OF PETITIONS**

In re Application of  
SUCH et al.  
Application No. 12/780,248  
Filed: 05/14/2010  
Attorney Docket No. 100519.00043

ON PETITION

This is in response to the communication filed on January 21, 2011, which includes a copy the petition under 37 CFR 1.47(a), filed on April 4, 2006, in prior-filed Application No. 10/498,502.

In accordance with 37 CFR 1.63(d)(3), applicants have submitted a copy of the executed declaration submitted in Application No. 10/498,502, filed April 6, 2006, of which the present filing is a divisional application. Furthermore, a copy of the decision mailed on April 18, 2006, granting the petition to accord Rule 1.47(a) status in prior-filed Application No. 10/498,502, has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is **dismissed as moot**. No petition fee is necessary. Pursuant to 37 CFR 1.47(c), the Office is dispensing with the notice provision in the present application because notice was provided after the grant of Rule 1.47(a) status in the prior application.

This matter is being referred to the Technology Center Art Unit 1796 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

*Christina Tartera Donnell*

Christina Tartera Donnell  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

04 AUG 2010

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

62479  
HAHN & VOIGHT PLLC  
1012 14<sup>TH</sup> Street, NW, Suite 620  
Washington, DC 20005

In re Application of  
APATI *et al*  
U.S. Application No.: 12/780,315  
Filing Date: May 14, 2010  
Docket No.: DAN-050 (107386)  
For: GENETICALLY MODIFIED STEM  
CELLS AND METHODS FOR  
IDENTIFYING TISSUES  
DIFFERENTIATED THEREFROM

**DECISION ON  
PETITION UNDER  
37 CFR 1.137(b)**

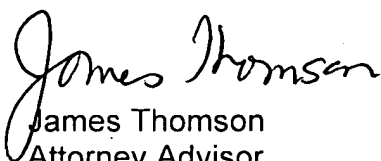
Applicants' petition to revive under 37 CFR 1.137(b) filed on May 14, 2010 is hereby **GRANTED** as follows:

International application PCT/IB2008/054238 became abandoned as to the United States of America for failure to pay the basic national fee by thirty months from the priority date (April 15, 2010).

The filing of the above-captioned continuation application under 35 U.S.C. 111(a) on May 14, 2010 is accepted as an appropriate response under 37 CFR 1.137(b). The \$810.00 petition fee for a small entity has been paid. Applicants' statement regarding the delay satisfies the requirement of 37 CFR 1.137(b)(3). All requirements of 37 CFR 1.137(b) are satisfied.

International application PCT/IB2008/054238 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present continuation application number 12/780,315.

This application is being forwarded to the Office of Initial Patent Examination for further processing under 35 U.S.C. 111(a) with a filing date of July, 17, 2009.



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12780334

Filed: May 14, 2010

Attorney Docket No. 1421-461

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/780,334	Confirmation Number	1466	Filing Date	2010-05-14
Attorney Docket Number (optional)	1421-461	Art Unit	1638	Examiner	Cathy Kingdon Worley
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 96462908				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,334	05/14/2010	William H. Eby	1421-461	1466
32905 7590 07/22/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/22/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 22 2011

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 www.uspto.gov

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/780,334 : PETITION DECISION  
 Filed: May 14, 2010 :  
 Attorney Docket No.: 1421-461

This is in response to the petition under 37 CFR § 1.59(b), filed July 8, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 8, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,334	05/14/2010	William H. Eby	1421-461	1466
32905 7590 09/30/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 09/30/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SEP 30 2011

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/780,334

Filed: May 14, 2010

Attorney Docket No.: 1421-461

:  
:  
:  
:  
:

PETITION DECISION

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 28, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on July 8, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/780,374	Confirmation Number	1545	Filing Date	2010-05-14
Attorney Docket Number (optional)	1421-462	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 98433118				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12780374

Filed: May 14, 2010

Attorney Docket No. 1421-462

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)

:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,374	05/14/2010	William H. Eby	1421-462	1545
32905 7590 11/04/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 11/04/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com





UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 04 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/780,374

Filed: May 14, 2010

Attorney Docket No.: 1421-462

:  
:  
: PETITION DECISION  
:  
:

This is in response to the petition under 37 CFR § 1.59(b), filed August 16, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 16, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/

Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,374	05/14/2010	William H. Eby	1421-462	1545
32905	7590	11/23/2011	EXAMINER	
JONDLE & ASSOCIATES, P.C.			KALLIS, RUSSELL	
858 HAPPY CANYON ROAD, SUITE 230			ART UNIT	PAPER NUMBER
CASTLE ROCK, CO 80108			1638	
			NOTIFICATION DATE	DELIVERY MODE
			11/23/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



NOV 23 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:  
William H. Eby  
Serial No.: 12/780,374  
Filed: May 14, 2010  
Attorney Docket No.: **1421-462**

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed November 14, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on August 16, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PHILIP S. JOHNSON  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7003

**MAILED**  
**APR 01 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Jeffrey S. Swayze, et al.  
Application No. 12/780,380  
Filed: May 14, 2010  
Attorney Docket No.: END5927USCNT1

:  
:  
:  
:  
:

ON PETITION

This is a decision in response to the petition, filed February 11, 2011, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 20, 2010. A Notice of Abandonment was mailed on February 8, 2011. On February 11, 2011, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of an amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2121 for appropriate action by the Examiner in the normal course of business on the response filed February 11, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,390	05/14/2010	Solomon Ungashe	10709-393	1569
7590 10/21/2010 K. Shannon Mrksich, Ph.D. c/o Brinks Hofer Gilson & Lione NBC Tower, Suite 3600 P.O. Box 10395 Chicago, IL 60610			EXAMINER WITHERSPOON, SIKARL A	
			ART UNIT 1621	PAPER NUMBER
			MAIL DATE 10/21/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

K. Shannon Mrksich, Ph.D.  
c/o Brinks Hofer Gilson & Lione  
NBC Tower, Suite 3600  
P.O. Box 10395  
Chicago IL 60610

OCT 21 2010

Ungashe et al.  
Serial No.: 12/780,390  
Filed: May 14, 2010  
Attorney Docket No.: 10709-393

DECISION ON PETITION TO  
RESET PERIOD FOR REPLY

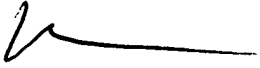
This is in response to applicants' petition under MPEP 710.06(l) filed on October 13, 2010, requesting that the period for reply be reset based on the receipt of the Office action of June 15, 2010.

A review of the file history shows that the examiner mailed a non-final Office action to applicants on June 15, 2010, setting a three-month statutory time period for reply.

Applicants' state that the Office action of June 15, 2010 was not received until September 29, 2010 and provides as evidence showing a date stamp of receipt of September 29, 2010. Based on the evidence presented, it is concluded that applicants did not receive the Office action in a timely manner. In view thereof, the period for reply has been reset as of October 19, 2010.

Applicant's petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

  
Marianne C. Seidel  
Quality Assurance Specialist  
Technology Center 1600

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/780,405	Confirmation Number	1606	Filing Date	2010-05-14
Attorney Docket Number (optional)	1421-463	Art Unit	1638	Examiner	Cathy Kingdon Worley
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR 92394228				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12780405

Filed: May 14, 2010

Attorney Docket No. 1421-463

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,405	05/14/2010	William H. Eby	1421-463	1606
32905 7590 07/01/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 07/01/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

JUL - 1 2011

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/780,405 : PETITION DECISION  
 Filed: May 14, 2010 :  
 Attorney Docket No.: 1421-463

This is in response to the petition under 37 CFR § 1.59(b), filed June 22, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 22, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,405	05/14/2010	William H. Eby	1421-463	1606
32905 7590 10/04/2011 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108			EXAMINER WORLEY, CATHY KINGDON	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 10/04/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 0 2011

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of:

William H. Eby

Serial No.: 12/780,405

Filed: May 14, 2010

Attorney Docket No.: 1421-463

:  
:  
: PETITION DECISION  
:  
:

This is in response to the renewed petition under 37 CFR § 1.59(b), filed September 29, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on June 22, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William H. Eby

Application No. 12780428

Filed: May 14, 2010

Attorney Docket No. 1421-464

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 11-MAY-2011 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/780,428	Confirmation Number	1651	Filing Date	2010-05-14
Attorney Docket Number (optional)	1421-464	Art Unit	1638	Examiner	Russell Kallis
First Named Inventor	WILLIAM H. EBY				
Title of Invention	SOYBEAN CULTIVAR S090243				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
William	H.	EBY			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Robert J. Jondle/		Date (YYYY-MM-DD)	2011-05-11	
Name	Robert J. Jondle		Registration Number	33915	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,428	05/14/2010	William H. Eby	1421-464	1651

32905	7590	11/04/2011
JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108		

EXAMINER	
KALLIS, RUSSELL	

ART UNIT	PAPER NUMBER
1638	

NOTIFICATION DATE	DELIVERY MODE
11/04/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



## UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 04 2011

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JONDLE & ASSOCIATES P.C.  
 858 HAPPY CANYON ROAD SUITE 230  
 CASTLE ROCK CO 80108

In re Application of: :  
 William H. Eby :  
 Serial No.: 12/780,428 : PETITION DECISION  
 Filed: May 14, 2010 :  
 Attorney Docket No.: 1421-464 :

This is in response to the petition under 37 CFR § 1.59(b), filed August 12, 2011, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on August 12, 2011, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
 Marianne C. Seidel, Quality Assurance Specialist  
 Technology Center 1600



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,428	05/14/2010	William H. Eby	1421-464	1651
32905 7590 01/09/2012 JONDLE & ASSOCIATES, P.C. 858 HAPPY CANYON ROAD, SUITE 230 CASTLE ROCK, CO 80108				
			EXAMINER KALLIS, RUSSELL	
			ART UNIT 1638	PAPER NUMBER
			NOTIFICATION DATE 01/09/2012	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

**JAN 09 2012**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JONDLE & ASSOCIATES P.C.  
858 HAPPY CANYON ROAD SUITE 230  
CASTLE ROCK CO 80108

In re Application of: :  
William H. Eby :  
Serial No.: 12/780,428 : PETITION DECISION  
Filed: May 14, 2010 :  
Attorney Docket No.: 1421-464 :

This is in response to the renewed petition under 37 CFR § 1.59(b), filed December 21, 2011, to expunge information from the above identified application. This application has been allowed.

Petitioner requests that the material submitted to the Patent Office on August 12, 2011 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for this document has been closed and as such the document is no longer publicly available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petitioner's petition is GRANTED.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/  
Marianne C. Seidel, Quality Assurance Specialist  
Technology Center 1600

Doc code : PET.OP.AGE

Description : Petition to make special based on Age/Health

PTO/SB/130 (07-09)

Approved for use through 07/31/2012. OMB 0651- 0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)					
Application Information					
Application Number	12/780,441	Confirmation Number	1682	Filing Date	2010-05-14
Attorney Docket Number (optional)	3993437-135631	Art Unit	2855	Examiner	Noori, Max H
First Named Inventor	Dr. Necip Berme				
Title of Invention	Low Profile Transducer With High Moment Capacity				
<b>Attention: Office of Petitions</b> An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).  APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.  A grantable petition requires one of the following items: (1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or (2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.					
<b>Name of Inventor who is 65 years of age, or older</b>					
Given Name	Middle Name	Family Name	Suffix		
Necip		Berme			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the format of the signature.  Select (1) or (2) :					
<input type="radio"/> (1) I am an inventor in this application and I am 65 years of age, or more.					
<input checked="" type="radio"/> (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.					
Signature	/Patrick F. O'Reilly III/		Date (YYYY-MM-DD)	2012-02-15	
Name	Patrick F. O'Reilly III		Registration Number	63347	

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
Necip Berme

Application No. 12780441

Filed: May 14, 2010

Attorney Docket No. 3993437-135631

:  
:

:DECISION ON PETITION TO MAKE SPECIAL  
:UNDER 37 CFR 1.102(c)(1)  
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 15-FEB-2012 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 81204826

Application Number  
(if known): 12/780,445

Filing date: May 14, 2010

First Named  
Inventor: Jun Yang et al.

Title: METHOD OF ENHANCING THERMAL CONDUCTIVITY IN HYDROGEN STORAGE SYSTEMS

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement to Make Special

Signature /Tiffany A. Fidler/

Date 03/16/2011

Name Tiffany A. Fidler  
(Print/Typed)

Registration Number 65,366

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Jun Yang et al.

Serial No.: 12/780,445

Filed: May 14, 2010

For: METHOD OF ENHANCING THERMAL CONDUCTIVITY IN  
HYDROGEN STORAGE SYSTEMS

Group Art Unit: 3741

Examiner:

Attorney Docket No.: 81204826

**STATEMENT SUPPORTING ELIGIBILITY REQUIREMENT OF  
THE GREEN TECHNOLOGY PILOT PROGRAM**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Statement of Special Status for the Eligibility Requirement is being filed concurrently with a Petition To Make Special Under the Green Technology Pilot Program (PTO/SB/420), and pursuant to the requirements of 74 Fed. Reg. 64,666 (Dec. 8, 2009), as amended by 75 Fed. Reg. 28, 554 (May 21, 2010) and 75 Fed. Reg. 68049 (Nov. 10, 2010).

Applicant respectfully submits that the above-identified application is eligible for the “Green Technology Pilot Program” as materially contributing to the more efficient utilization and conservation of energy resources or the reduction of greenhouse gas emissions.

As explained in the specification, hydrogen may be used as a fuel source for energy, and potentially as a replacement for petroleum, other non-renewable fuels, or other sources of alternative energy. Hydrogen may be useful in mobile applications such as vehicles, where it may be stored on the vehicle for use with a fuel cell. Reversible systems for chemical storage often utilize a complex hydride or sorbent compound as the storage medium. Hydrogen storage

typically occurs via an exothermic absorption (uptake) reaction and an endothermic desorption reaction from the medium. Heat management and control over heat transfer and temperatures may impact the lifetime, efficiency, storage capability, or the like of the hydrogen storage medium. For example, failure to supply or remove sufficient heat from the storage system may result in degradation of vehicle performance (e.g., insufficient hydrogen available to power the fuel cell) or excessively long refill times.

The claimed invention is directed to a system for reversibly storing hydrogen which has a storage tank with an internal volume with a thermally conducting composite material situated within the storage tank and a three-dimensional and interconnected framework of a conductive metal within the internal volume of the storage tank. Heat management of the storage medium is needed during the absorption and desorption processes due to the energy transfers associated with the processes.

In one embodiment, by incorporating a three dimensional conductive framework within a complex hydride composite, the thermal conductivity and heat management of the hydrogen storage medium is improved, and the intrinsic hydrogenation and desorption kinetics of the storage material is maintained.

Effective heat management allows for fast charging and discharging of hydrogen from the storage materials, and an improvement in performance of a hydrogen powered vehicle. Because the invention is an improvement to materials for a hydrogen storage tank for a vehicle, the claimed invention materially contributes to conservation of energy resources, and by using hydrogen to fuel a vehicle, additionally materially contributes to the reduction of greenhouse gas emissions from vehicles.

The Application is a non-reissue, non-provisional utility application filed under 35 U.S.C. §111(a). The Application contains no more than three (3) independent claims and twenty (20) total claims. The Application does not contain multiple dependent claims. A first Office action has not yet appeared in the Patent Application Information Retrieval System (PAIR).

The publication fee under 37 C.F.R. § 1.18(d) of \$300 has been paid upon filing. Please charge any additional required fees to Deposit Account No. 06-1510 (Ford Global Technologies, LLC).

Respectfully submitted,

**Jun Yang et al.**

By: /Tiffany A. Fidler/  
Tiffany A. Fidler  
Reg. No. 65,366  
Attorney/Agent for Applicant

Date: 03/16/2011

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,445	05/14/2010	Jun Yang	81204826	1693
28395 7590 05/03/2011 BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER IQBAL, SYED TAHA	
			ART UNIT 1736	PAPER NUMBER
			MAIL DATE 05/03/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BROOKS KUSHMAN P.C./FGTL  
1000 TOWN CENTER  
22ND FLOOR  
SOUTHFIELD MI 48075-1238

5/3/11

In re Application of	:	
Yang et al.	:	DECISION ON PETITION
Application No. 12/780,445	:	TO MAKE SPECIAL UNDER
Filed: 5/14/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. <u>81204826</u>	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/16/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1736 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

GOWLING, LAFLEUR AND HENDERSON, LLP  
1. PLACE VILLE-MARIE, 37TH FLOOR  
MONTREAL QC CA CANADA

**MAILED**

NOV 21 2011

OFFICE OF PETITIONS

In re Application of  
Kevin Perron  
Application No. 12/780,457  
Filed: May 14, 2010  
Attorney Docket No. L80006221US

DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed November 8, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because Helene Diorio and the attorneys/agents associated with Customer Number 48792 have not provided a correspondence address for the intervening assignee<sup>1</sup> or first named inventor. Therefore, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Additionally, the Office will also no longer change the correspondence address to that of a new practitioner unless the Request is accompanied by a power of attorney to a new practitioner (e.g., Form PTO/SB/82).

Petitioner should note that an outstanding Office action was mailed on September 13, 2011, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-8226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

<sup>1</sup> In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

GOWLING, LAFLEUR AND HENDERSON, LLP  
1. PLACE VILLE-MARIE, 37TH FLOOR  
MONTREAL QC CA CANADA

**MAILED**

DEC 14 2011

**OFFICE OF PETITIONS**

In re Application of  
Kevin Perron  
Application No. 12/780,457  
Filed: May 14, 2010  
Attorney Docket No. L80006221US

**DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD**

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed November 29, 2011.

The request is **APPROVED**.

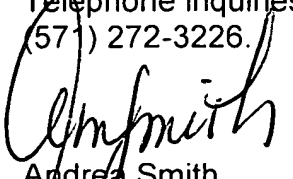
The request was signed by Helene D'lorio and all the attorneys/agents associated with Customer Number 48792. Therefore, Helene D'lorio and all the attorneys/agents associated with Customer Number 48792 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

There is an outstanding Office action mailed on September 13, 2011, that requires a reply from the applicant.

All future communications from the Office will be directed to the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Kevin Perron  
1501 Lacoste  
Longueuil Quebec J4G 2G6  
CANADA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/780,457	05/14/2010	Kevin PERRON	L80006221US

CONFIRMATION NO. 1712

POWER OF ATTORNEY NOTICE

48792  
GOWLING, LAFLEUR AND HENDERSON LLP  
1. PLACE VILLE-MARIE, 37TH FLOOR  
MONTREAL, QC  
CANADA



Date Mailed: 12/12/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/01/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MARSH, FISCHMANN & BREYFOGLE LLP  
8055 East Tufts Avenue  
Suite 450  
Denver CO 80237

**MAILED**

**SEP 14 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Robert A. ANDERSON	:	
Application No. 12/780,458	:	DECISION ON PETITION
Filed: May 14, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 50546-00013	:	37 CFR 1.102(c)(1)
	:	

This is a response to the petition under 37 CFR 1.102(c)(1), filed May 14, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

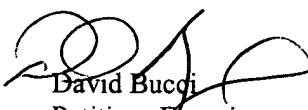
A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from Libby A. Huskey an attorney or agent registered to practice before the Patent and Trademark Office certifying that he is in possession of and will retain evidence that applicant Robert A. Anderson is 65 years of age or older as required under MPEP § 708.02. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to David Bucci at 571-272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3751 for action on the merits commensurate with this decision.

  
David Bucci  
Petitions Examiner  
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Cristian Penciu
Application No.	12/780,528
Filing Date	May 14, 2010
Title	CONCENTRATED PHOTOVOLTAIC SYSTEMS AND METHODS WITH HIGH COOLING RATES
Examiner	TBD
Art Unit	3748
Conf. No.	1869

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Via EFS-Web

---

**STATEMENT RELATED TO**  
**PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT**  
**PROGRAM**

Applicant respectfully submits the following in conjunction with the PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM submitted herewith.

1. The claims in the above-referenced application are directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above).

Specifically, the above-referenced application relates to a concentrated photovoltaic (CPV) module, system, and method utilizing a CPV module to provide uniform, concentrated solar energy distribution over one or more photovoltaic (PV) cells, to improve cooling of the PV cells to allow for high solar concentration, and to offer an energy efficient system that can be cost effectively implemented. In an exemplary embodiment, the present invention includes solar collectors that concentrate solar energy and mechanisms for transporting and transferring the concentrated solar energy directly with the CPV module. Further, the CPV module includes a novel cooling mechanism utilizing a fluid to cool an interior of the module and the PV cells.

Applicant respectfully submits that the above-referenced application contributes to:

- (1) the discovery or development of renewable energy resources by providing a concentrated photovoltaic (CPV) module, system, and method utilizing a CPV module to provide uniform, concentrated solar energy distribution over one or more photovoltaic (PV) cells;
  - (2) the more efficient utilization and conservation of energy resources through improved cooling of the PV cells to allow for high solar concentration; or
  - (3) green house gas emission reduction through generated electrical energy via concentrated photovoltaic (CPV) modules, systems, and methods.
2. If the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant agrees to make an election without traverse in a telephonic interview, and to elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.

Applicant would like to thank the Office for the attention and consideration accorded the present Application. Should the Office determine that any further action is necessary to place the Application in condition for allowance, the Office is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below.

Respectfully submitted,

Date: November 9, 2010

/Lawrence A. Baratta, Jr./  
Lawrence A. Baratta, Jr.  
Registration No.: 59,553

Attorney for Applicant

**CLEMENTS BERNARD**

1901 Roxborough Road, Suite 250  
Charlotte, NC 28211 USA  
Telephone: 704.790.3600  
Facsimile: 704.366.9744  
lbaratta@worldpatents.com

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: **5102**

Application Number  
(if known): **12/780,528**

Filing date: **May 14, 2010**

First Named  
Inventor: **Cristian Penciu**

Title: **CONCENTRATED PHOTOVOLTAIC SYSTEMS AND METHODS WITH HIGH COOLING RATES**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: STATEMENT RELATED TO PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Signature **/Lawrence A. Baratta, Jr./**

Date **November 9, 2010**

Name  
(Print/Typed) **Lawrence A. Baratta, Jr.**

Registration Number **59553**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.



\*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



**Instruction Sheet for**  
**Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

***The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction" and (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):***

- (1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111(a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371. The application must be previously filed before the publication date of the notice cited above. Reexamination proceedings are excluded from this pilot program.
- (2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- (3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- (4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- (5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- (6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,528	05/14/2010	Cristian Penciu	5102	1869
22474	7590	11/22/2010	EXAMINER	
Clements Bernard PLLC 1901 Roxborough Road Suite 250 Charlotte, NC 28211			ART UNIT	PAPER NUMBER
			3748	
			NOTIFICATION DATE	DELIVERY MODE
			11/22/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patlaw@worldpatents.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Clements Bernard PLLC  
1901 Roxborough Road  
Suite 250  
Charlotte NC 28211

In re Application of	:	
PENCIU, CRISTIAN et al	:	DECISION ON PETITION
Application No. 12/780,528	:	TO MAKE SPECIAL UNDER
Filed: May 14, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 5102	:	PILOT PROGRAM

This is a decision on the renewed petition under 37 CFR 1.102, filed Nov. 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent

Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

The application is being forwarded to the Technology Center Art Unit 3748 for action on the merits commensurate with this decision.

/Henry C. Yuen/

---

Henry C. Yuen  
Quality Assurance Specialist  
Technology Center TC 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

**MAILED**

**SEP 27 2010**

**OFFICE OF PETITIONS**

In re Application of

Vernon P. Joynt

Application No. 12/780,532

Filed: May 14, 2010

Attorney Docket No. 10036.0046-00000

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Vernon P. Joynt. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being referred back to the Office of Patent Application Processing for pre-examination processing of the reply to the Notice to File Missing Parts mailed June 24, 2010. This application will be accorded "special" status once pre-examination processing is complete.

/AMW/

April M. Wise

Petitions Examiner

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**Joseph Curtis Edmondson**  
**15490 NW Oak Hills Dr**  
**Beaverton OR 97006**

**MAILED**

**DEC 27 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Ken Detjen	:	
Application No. 12/780,582	:	DECISION ON PETITION
Filed: May 14, 2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. DET 2.001.US.DIV	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed November 8, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by an attorney on behalf of inventor Ken Detjen attesting to his age. The above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3635 for action on the merits commensurate with this decision.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

STOLOWITZ FORD  
COWGER LLP  
621 SW MORRISON ST  
SUITE 600  
PORTLAND OR 97205

**MAILED**

**SEP 21 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Campbell, et al.	:	DECISION ON PETITION
Application No. 12/780,585	:	
Filed: 14 May, 2010	:	
Attorney Docket No. 2333-1013	:	

This is a decision on the petition filed on 26 July, 2010, pursuant to 37 C.F.R. §1.47.

**NOTE:**

Petitioner appears not to have specified, *inter alia*, a (reasonably believed to be) last known/current/valid address for the non-signing inventor, consistent with the requirements of the Rules of Practice (*See, generally:* 37 C.F.R. §1.47 and MPEP §409.03, and §409.03(a)).

Petitioners are required to make independent inquiry and report the results of same to the Office.<sup>1</sup>

Petitioner will find it of benefit to review and then work through the requirements of the petition in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C. § 116)).

The petition pursuant to 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.



Reconsideration of Petition Pursuant to 37 C.F.R. §1.47(a),” and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

Petitioner does not seem to have worked through the requirements of the petition, as set forth above, in satisfaction of those requirements. (*See, generally:* MPEP §409.03, and §409.03(a)—the applicable statute (35 U.S.C. § 116).

***In particular, Petitioner has not as of this writing satisfied the requirement(s) of the petition as listed above and discussed below.***

***Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.***

#### BACKGROUND

The record reflects as follows:

The application was deposited on 14 May, 2010, without, *inter alia*, a fully executed oath/declaration

On 26 May, 2010, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 26 July, 2010, Petitioner Bryan D. Kirkpatrick (Reg. No. 53,135) filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.47(a), with an oath/declaration executed by co-inventors Campbell and Visscher for themselves and on behalf of non-signing inventor Sean Austin (Mr. Austin); a statement about events relating to Email and postal transmission of documents but no

Application No. 12/780,585

express and affirmative statement by Petitioner as to an address for Mr. Austin. Petitioner is reminded of the requirement, associated to the required showing of a diligent search as to the currency of addresses.

Petitioner will find it beneficial to step through the requirements of a grantable petition under 37 C.F.R. §1.47(a) (i.e., (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address) and satisfy himself that he has complied with these requirements on submission of any renewed petition. (*See also*: the guidance in the Commentary at MPEP §409.03, and §409.03(a), et seq.)

***Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.***

Again, Petitioner has not worked through the requirements of the petition.

Thus, the present incompleteness of the record makes granting of the instant petition inappropriate.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>2</sup>

---

<sup>2</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/780,585

The instant petition under 37 C.F.R. §1.47(a) is **dismissed**.


Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By FAX:                     (571) 273-8300  
                                    ATTN: Office of Petitions

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>3</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>3</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

STOLOWITZ FORD  
COWGER LLP  
621 SW MORRISON ST  
SUITE 600  
PORTLAND OR 97205

**MAILED**  
**JAN 18 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Campbell, et al. : DECISION ON PETITION  
Application No. 12/780,585 :  
Filed: 14 May, 2010 :  
Attorney Docket No. 2333-1013 :

This is a decision on the petition filed on 5 October, 2010, pursuant to 37 C.F.R. §1.47.

The petition pursuant to 37 C.F.R. §1.47(a) is **GRANTED**.

A grantable petition pursuant to 37 C.F.R. §1.47(a) requires: (1) petition and fee; (2) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); (3) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and (4) a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address.

*Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability of the message and all applicable attachments of required materials must be provided.*

**BACKGROUND**

The record reflects as follows:

The application was deposited on 14 May, 2010, without, *inter alia*, a fully executed oath/declaration

Application No. 12/780,585

On 26 May, 2010, the Office mailed a Notice of Missing Parts requiring, *inter alia*, a fully executed oath/declaration.

On 26 July, 2010, Petitioner Bryan D. Kirkpatrick (Reg. No. 53,135) filed, *inter alia*, a petition with fee pursuant to 37 C.F.R. §1.47(a), with an oath/declaration executed by co-inventors Campbell and Visscher for themselves and on behalf of non-signing inventor Sean Austin (Mr. Austin); a statement about events relating to Email and postal transmission of documents but no express and affirmative statement by Petitioner as to an address for Mr. Austin. In the decision of 21 September, 2010, dismissing the petition, Petitioner was reminded of the requirement for express statement and the associated requirement to show a diligent search as to the currency of addresses.

(Should the Office be pressed to infer statements required of Petitioners pursuant to the Rules of Practice, that inference will no less bind Petitioners pursuant to their duty of candor and duties to inquire and disclose.<sup>1</sup>)

On 5 October, 2010, Petitioner re-advanced his petition, and this time expressly stated an address for the non-signing inventor, with transmittal of the entire application to the non-signing inventor and thereafter his failure to reply/join in the oath/declaration—and the construed constructive refusal to do so. It appears that Petitioner provided a showing satisfying the requirements under the Rule to wit: showing/proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification: description, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; and a statement of the last known address of the non-signing inventor(s)—with diligence in the effort to ascertain the validity of the address set forth as the reasonably believed to be last known/current/valid address. Thus, Petitioner sought to satisfy the requirements pursuant to the Rule and the guidance in the Commentary at MPEP §409.03, and §409.03(a) et seq.), and provide a showing that the non-signing inventor(s) constructively refused to sign.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

---

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/780,585

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>2</sup>


### CONCLUSION

The instant petition under 37 C.F.R. §1.47(a) is **granted** (status is accorded pursuant to 37 C.F.R. §1.47(a).)

As provided in 37 C.F.R. §1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The instant application is released to the Office of Patent Application Processing (OPAP) for such processing as required in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>3</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

<sup>2</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

<sup>3</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

SEAN AUSTIN  
62772 MT. HOOD DRIVE  
BEND OREGON, 97701

**MAILED**

**JAN 18 2011**

**OFFICE OF PETITIONS**

**COMMUNICATION**

In re Application of  
Campbell, et al.  
Application No. 12/780,585  
Filed: 14 May, 2010  
Attorney Docket No. 2333-1013

Dear Sean Austin:

You are named as an inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47 (Code of Federal Regulations), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

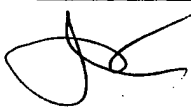
Should you elect to join in the application, the contact information for Counsel of Record is set forth at the end of this Communication.

Should you seek to identify independent Counsel, you may find the Patent Attorneys/Agents Search engine of assistance (<https://oedci.uspto.gov/OEDCI/>).

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Application No. 12/780,585

Telephone inquiries regarding this communication may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>1</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's/your action(s) and/or inactions. Moreover, the Office can neither advise you nor recommend Counsel in this matter.



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

Counsel of Record:  
STOLOWITZ FORD  
COWGER LLP  
621 SW MORRISON ST  
SUITE 600  
PORTLAND OR 97205

---

<sup>1</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**COHEN & GRIGSBY, P.C.**  
**625 LIBERTY AVENUE**  
**PITTSBURGH PA 15222-3152**

**MAILED**

**SEP 06 2011**

**OFFICE OF PETITIONS**

In re Application of  
Anthony Marfione et al.  
Application No. 12/780,613  
Filed: May 14, 2010  
Attorney Docket No. 09-122

**DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 25, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because a proper forwarding address was not provided. The request to change the correspondence address should be that of the: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71, who has properly intervened. If an assignee has intervened in this application then a Statement under 37 CFR 3.73(b), or a copy of the actual assignment, must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,630	05/14/2010	Koji Hachiya	SUTOSH.588AUS	1100
20995 7590 06/13/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER VU, KIEU D	
			ART UNIT 2173	PAPER NUMBER
			NOTIFICATION DATE 06/13/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcarter@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

In re Application of: K. HACHIYA  
Application No. 12/780,630  
Attorney Docket #: SUTOSH.588AUS  
Filed: May 14, 2010  
For: INFORMATION PROCESSING  
APPARATUS, DISPLAY CONTROL METHOD,  
AND PROGRAM

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 14, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either
    - (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims,
  - Or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - (i) validly claims priority to an application filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims, or
    - (iii) contains no priority claim,
  - Or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - (i) validly claims priority to an application filed in the JPO, or
    - (ii) validly claims priority to a PCT application that contains no priority claims, or
    - (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application.

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
- b. An English translation of the allowable/patentable claim(s) and
- c. A statement that the English translation is accurate;

Effective January 29, 2010, for a period of two years ending on January 28, 2012, the USPTO will accept claims written in dependent form in the U.S. application which are narrower in scope than the allowable/patentable claims in the Japanese application.

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

a. Documentation of prior office action:

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
- ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
- iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;

Further, if a copy of the documents from a above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;

b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above

c. A statement that the English translation is accurate;

Effective January 29, 2010, Applicants may submit a machine translation into the English language of the copy of the latest JPO office action just prior to the

“Decision to Grant a Patent” (e.g., the latest “Notification of Reasons for Refusal”) from each of the JPO application(s) containing the allowable/patentable claims that are the basis for the PPH request. The machine translation into the English language must be one that is provided by the JPO. That is, the machine translation into the English language cannot be one that is provided by a commercial service. Where a machine translation into the English language of the copy of the latest JPO office action (obtained from the JPO) is submitted, it will not be necessary to include a statement that the English translation is accurate.

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The petition is **GRANTED**.

The request to participate in the PPH pilot program and petition are found to comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Mano Padmanabhan at 571-272-4210.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Mano Padmanabhan/

---

Mano Padmanabhan  
Quality Assurance Specialist, Technology Center 2100, Workgroup 2180  
571-272-4210



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,635	05/14/2010	Xiaomin SHI	13674-186	1111
EXAMINER				
ART UNIT PAPER NUMBER				
2192				
MAIL DATE DELIVERY MODE				
08/27/2010 PAPER				

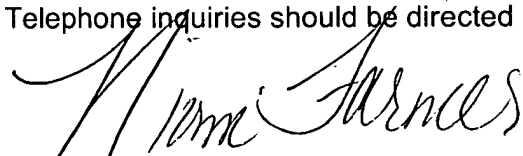
## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management

Adjustment date: 08/27/2010 REARER  
08/17/2010 IN:EPGW 00004000 251925 12780635  
01 FD1113 240.40 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HARRITY & HARRITY, LLP  
11350 RANDOM HILLS ROAD  
SUITE 600  
FAIRFAX, VA 22030

**MAILED**  
**DEC 16 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
Nir Zuk et al	:	DECISION REFUSING STATUS
Application No. 12/780,695	:	UNDER 37 CFR 1.47(a)
Filed: May 14, 2010	:	
Attorney Docket No. 0023-0213CON1	:	

This is in response to the petition under 37 CFR 1.47(a), filed May 14, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (3) set forth above.

The petition fee under 37 CFR 1.47(a) is \$200. The authorization to charge petitioner's Deposit Account No. 50-1070 received with this petition is invalid. Therefore, this petition can not be treated until the \$200 petition fee is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS
	Commissioner for Patents
	Post Office Box 1450
	Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By fax: (571) 273-8300  
ATTN: Office of Petitions

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.



David Bucci  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

HARRITY & HARRITY, LLP  
11350 RANDOM HILLS ROAD  
SUITE 600  
FAIRFAX, VA 22030

**MAILED**  
**MAR 25 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Nir Zuk et al. : **DECISION ON PETITION**  
Application No. 12/780,695 : **UNDER 37 CFR 1.47(a)**  
Filed: May 14, 2010 :  
Attorney Docket No. 0023-0213CON1 :

This is in response to the petition under 37 CFR 1.47(a), filed February 14, 2011.

The petition is **DISMISSED** as involving moot issues.

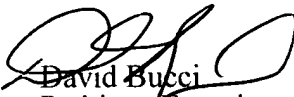
Upon application and in accordance with 37 CFR 1.63(d), petitioner has submitted a copy of the executed oath or declaration from parent application no. 11/338,732, filed January 25, 2006, of which the instant application is a continuation. As well, a petition to accord status under 37 CFR 1.47 was filed in the parent application as not all of the joint inventors had executed the oath or declaration. As it was sufficiently shown that joint inventor Nir Zuk refused to join in with the filing of that application, the petition filed January 25, 2006 was granted in a decision mailed April 13, 2010. Furthermore, a copy of the decision, mailed April 13, 2010, granting a petition to accord 1.47(a) status to the prior application has been placed in the file of the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status.

As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as involving moot issues.

This matter is being referred to the Office of Patent Application Processing (OPAP) for further pre-examination processing.

Telephone inquiries concerning this matter may be directed to Petitions Examiner Irvin Dingle at (571) 272-3210. All other inquiries should be directed to OPAP at (571) 272-4000.

  
David Bucci  
Petitions Examiner  
Office of Petitions

Doc Code: PPH.PCT.652

Document Description: Petition to make special under PCT-Patent Pros Hwy

PTO/SB/20PCT-EP (05-10)

Approved for use through 01/31/2012. OMB 0651-0058

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION  
HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE EUROPEAN PATENT OFFICE (EPO) AND  
THE USPTO**

Application No:	12/780,753	Filing date:	May 14, 2010
First Named Inventor:	Jason L. Chamberlain		
Title of the Invention:	BICYCLE FRAME		

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE  
SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
[HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE  
ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT  
application number(s) is/are:** PCT/US2011/028372

**The international filing date of the corresponding  
PCT application(s) is/are:** March 14, 2011

**I. List of Required Documents:**

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified  
corresponding PCT application(s)**

☐

Is attached

☒

Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the  
above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English  
language). A statement that the English translation is accurate is attached for the document in b. above.**

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 119, 37 CFR 1.55, and 37 CFR 1.102(d). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

First Named Inventor:	Jason L. Chamberlain
-----------------------	----------------------


- ☐ WO/ISA, WO  
Is attached

☐ Has already been filed in the above-identified U.S. application on July 25, 2011

- ☐ Are attached.

☐ Have already been filed in the above-identified U.S. application on July 25, 2011

[illegible]

Signature 	Date <i>August 10, 2011</i>
Name (Print/Typed) <b>Edward A. Schlatter</b>	Registration Number <b>32297</b>

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/780,753	05/14/2010	Jason L. Chamberlain	SPECBIC.294A	1376

20995	7590	11/10/2011
KNOBBE MARTENS OLSON & BEAR LLP		
2040 MAIN STREET		
FOURTEENTH FLOOR		
IRVINE, CA 92614		

EXAMINER	
POTTER, WESLEY A	

ART UNIT	PAPER NUMBER
3611	

NOTIFICATION DATE	DELIVERY MODE
11/10/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



UNITED STATES PATENT AND TRADEMARK OFFICE

NOV - 9 2011

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re application of  
Jason Chamberlain  
Application No. 12/780,753  
Filed: May 14, 2010  
For: BICYCLE FRAME

: **DECISION ON REQUEST TO**  
: **PARTICIPATE IN PATENT**  
: **PROSECUTION HIGHWAY**  
: **PROGRAM AND PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(a)**

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed August 10, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH pilot program complies with the above requirements. Therefore, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

          / Mikado Buiz /  
Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 11/08/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CALLAWAY GOLF COMPANY  
2180 RUTHERFORD ROAD  
CARLSBAD CA 92008-7328

MAILED AUG 30 2010

In re Application of: Balardeta et al.  
Application No.: 12/780767  
Filed: May 14, 2010  
Title: Shot Tracking

: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02

This is a decision on the petition filed on May 14, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.



4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, and 6.1-6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1 and 5.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

### Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-5; the "accelerated examination support document" comprising pages 1-39, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 473, subclasses 220-223, 405-407, 447; class 463, classes 5, 16-18, 25-26, 29,39, and 42.

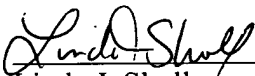
### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.



Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAILED OCT 04 2010

CALLAWAY GOLF COMPANY  
2180 RUTHERFORD ROAD  
CARLSBAD CA 92008-7328

In re Application of: Balardeta et al.  
Application No.: 12/780767  
Filed: May 14, 2010  
Title: Shot Tracking

:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the renewed petition filed on September 24, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

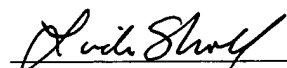
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



---

Linda Sholl, Special Programs Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MORRISON & FOERSTER LLP  
755 PAGE MILL RD  
PALO ALTO CA 94304-1018**

**MAILED**

**NOV 08 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Michael Drews et al.	:	DECISION ON PETITION
Application No. 12/780,768	:	TO WITHDRAW
Filed: May 14, 2010	:	FROM RECORD
Attorney Docket No. <b>602572000800</b>	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed October 14, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40.

The request was signed by Mika Mayer on behalf of all attorneys of record who are associated with Customer Number 25226.

All attorneys/agents associated with Customer Number 25226 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and all future correspondence will be directed to the assignee of the entire interest at the address indicated below.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: Arstasis, Inc.  
1021 Howard Avenue  
Suite C  
San Carlos, CA 94070



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MENTOR GRAPHICS CORP.  
PATENT GROUP  
8005 SW BOECKMAN ROAD  
WILSONVILLE OR 97070-7777**

**MAILED**  
**FEB 25 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Fedor G. Pikus :  
Application No. 12/780,785 : **DECISION ON PETITION**  
Filed: May 14, 2010 :  
Attorney Docket No. 10564-REG1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 28, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration, the \$130.00 Surcharge fee, the \$330.00 Basic filing fee, the \$540.00 Search fee, and the \$220.00 Examination fee; (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Additionally, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**MAILED**

**SEP 29 2010**

**OFFICE OF PETITIONS**

Townsend and Townsend and Crew, LLP  
Two Embarcadero Center  
Eighth Floor  
San Francisco, CA 94111-3834

In re Application of  
Richard N. Jekel  
Application No. 12/780,789  
Filed: May 14, 2010  
Attorney Docket No. 014801-012310US

:  
:  
: DECISION ON PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 17, 2010, to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

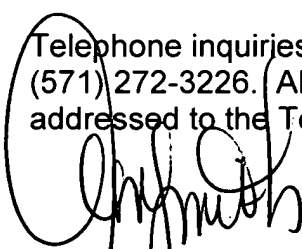
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the sole inventor that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

This application file is being referred to Technology Center Art Unit 2621 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. All other inquiries concerning the processing of the application should be addressed to the Technology Center.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

February 13, 2012

Patent No. :8,100,591~~62~~  
Ser. No. :12/780793  
Inventor(s) :Leonard T. Chapman, et al.  
Issued :January 24, 2012  
Title :DUAL LOOP CAMERA STABILIZATION SYSEMS AND METHODS

Docket No. : 54767808.US00

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

A petition under C.F.R. 1.182 is required to correct the alleged errors in spelling or order of inventor's names, since inventor's names are printed solely in accordance with the type-written names, and in the order of the type-written names on the Declaration, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct names in correct order, be indicated on the Declaration or Oath, no correction is in order here under the provisions of Rule 1.323 ( required fee currently \$100), unless a petition is granted.

In view of the foregoing, your request is hereby denied.

However, a petition under 37 CFR 1.182 (required fee currently \$130) should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks  
Box DAC

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

**Magdalene Talley**

For Mary Diggs  
Decisions & Certificates  
of Correction Branch  
(571)272-0423  
Fax-(571)270-9942

**Kenneth H. Ohriner**  
Perkins LLP  
P.O. Box 1208

**MD/mt**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MENTOR GRAPHICS CORP.  
PATENT GROUP  
8005 SW BOECKMAN ROAD  
WILSONVILLE OR 97070-7777**

**MAILED**

**MAR 02 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Fedor G. PIKUS	:	
Application No. 12/780,821	:	DECISION ON PETITION
Effective Date: May 14, 2010	:	
Attorney Docket No. 10563-REG1/TLE	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed May 28, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 29, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath/declaration and required fees, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of May 28, 2010 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178

(October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office Patent Application Processing.

A handwritten signature in cursive script, appearing to read "Michelle R. Eason".

Michelle R. Eason  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**WILLIAM J. KOLEGRAFF**  
**3119 TURNBERRY WAY**  
**JAMUL CA 91935**

**MAILED**

**MAY 31 2011**

**OFFICE OF PETITIONS**

In re Application of  
Bar-Giora Goldberg et al.  
Application No. 12/780,884  
Filed: May 15, 2010  
Attorney Docket No. AVA-10

:  
:  
: **DECISION ON PETITION**  
:  
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Non-Provisional Application (Notice), mailed May 28, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 29, 2010. A Notice of Abandonment was mailed February 15, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath and declaration, with a surcharge fee of \$65, basic filing fee of \$165, search fee of \$270 and examination fee of \$110 (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly the oath and declaration and fee are accepted as being unintentionally delayed.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received April 22, 2011. Inquires regarding the status of the application should be directed to 571-272-4000.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**FARIBA SIRJANI  
925 DELWARE AVENUE, APT. 9C  
BUFFALO, NY 14209**

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Andrew Simon Neate	:	
Application No. 12/780,908	:	DECISION ON PETITION
Filed: May 16, 2010	:	TO WITHDRAW
Attorney Docket No. CERAVISION-005	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 2, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Fariba Sirjani. Fariba Sirjani have been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/  
Terri Johnson  
Petitions Examiner  
Office of Petitions

cc: **MEREDITH & KEYHANI, PLLC  
330 MADISON AVE.  
6TH FLOOR  
NEW YORK NY 10017**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**VOLENTINE & WHITT PLLC  
ONE FREEDOM SQUARE  
11951 FREEDOM DRIVE 13<sup>TH</sup> FLOOR  
RESTON VA 20190**

**MAILED**

**NOV 17 2011**

**OFFICE OF PETITIONS**

In re Application of  
CHEONG, et al  
Application No. 12/780,984  
Filed: May 17, 2010  
Attorney Docket No. SEC.2719

:  
:  
: DECISION ON PETITION  
:  
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 25, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 26, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1860; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2112 for appropriate action by the Examiner in the normal course of business.

/Diane Goodwyn/  
Diane Goodwyn  
Petitions Examiner  
Office of Petitions



# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/781,066	Filing date:	17 May 2010
First Named Inventor:	Brent C. Teal		
Title of the Invention:	ADJUSTABLE CRANK ARMS FOR ELLIPTICAL BIKE AND METHOD OF USE		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/EFBS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/35151

**The international date of the corresponding PCT application(s) is/are:** 17 May 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/781,066
First Named Inventor:	Brent C. Teal

9

Is attached

11 February 2011

☐

Has already been filed in the above-identified U.S. application on

☐

Are attached.

11 February 2011

Have already been filed in the above-identified U.S. application on

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature	//Stephen C. Beuerle//	Date	February 11, 2011
Name (Print/Typed)	Stephen C. Beuerle	Registration Number	38,380

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,066	05/17/2010	Brent Teal	116575-1ACUTL	2038
27189 7590 02/15/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER CROW, STEPHEN R	
			ART UNIT 3764	PAPER NUMBER
			NOTIFICATION DATE 02/15/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
TEAL, BRENT et al	:	1
Application No. 12/781,066	:	
Filed: May 17, 2010	:	
Attorney Docket No. 116575-1ACUTL	:	
Title: ADJUSTABLE CRANK ARMS FOR	:	
ELLIPTICAL BIKE AND METHOD OF USE	:	
	:	DECISION ON REQUEST TO
	:	PARTICIPATE IN PATENT
	:	PCT/PROSECUTION HIGHWAY
	:	PROGRAM AND PETITION
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Feb.11, 2011, to make the above-identified application special.

The request and petition are Dismissed.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

With regard to Items #2, #3 and #5, the applicant submitted a copy of KIPO/PCT search opinion indicating only claims 1-32 meet novelty, inventive step and industrial applicability. In the claims comparison, the applicant also indicated that these allowed claims by KIPO/PCT in the search opinion correspond to the US claims 1-17. The applicant failed to provide a copy of allowable claims 1-17 from the KIPO or PCT Office search opinion. Therefore, it is not possible to make comparison whether all pending US claims 1-17 are in fact correspond with the KIPO/PCT allowed claims 1-32. A copy of KIPO/PCT allowed claims 1-32 is required for comparison purpose.

In the ADS filed on May 17, 2010, the applicant claimed priority of the prior application number 61179638. In the PPH request, the applicant submitted a copy of PCT/US2010/035281 with 32 claims meet novelty, inventive step and industrial applicability. The current application contains 17 claims. Clarification is required.

Applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via EFS-Web. Currently, the application is undergoing pre-examination processing.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856.

Petition is **dismissed**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventor:**

Brent C. Teal

**Serial No.** 12/781,066

**Filed:** May 17, 2010

**For:** ADJUSTABLE CRANK ARMS  
FOR ELLIPTICAL BIKE AND  
METHOD OF USE

**Group Art Unit:** 3764

**Confirmation No.:** 2038

**Examiner:** Stephen R. Crow

**Attorney Docket No.:**

116575-1ACUTL

**REQUEST FOR RECONSIDERATION OF PETITION TO MAKE SPECIAL UNDER  
PCT-PATENT PROSECUTION HIGHWAY**

Dear Sir:

Pursuant to the telephone conversation with Examiner Henry C. Yuen on March 7, 2011, we request reconsideration of the Petition to Make Special Under PCT-Patent Prosecution Highway for the following reasons:

- 1) we submitted a correct copy of the 1-17 allowable claims from published corresponding PCT/2010/35151 with the Petition filed February 11, 2011.
- 2) the Information Disclosure Statement filed February 11, 2011 correctly cited and disclosed the International Search Report and Written Opinion from PCT/US2010/35151.
- 3) we confirm that PCT/US2010/35151 claims the benefit of U.S. application 61/179,638.

Please reconsider the Petition to Make Special submitted February 11, 2011. If there are any questions concerning this matter, please call Silvia Corona at 619-525-3847 or the undersigned.

PATENT  
116575-1ACUTL

Respectfully submitted,

Dated: March 7, 2011

By: /Stephen C. Beuerle/  
Stephen C. Beuerle  
Reg. No. 38,380

Procopio, Cory, Hargreaves & Savitch LLP  
525 B Street, Suite 2200  
San Diego, California 92101  
(619) 238-1900  
**Customer No. 27189**





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,066	05/17/2010	Brent Teal	116575-1ACUTL	2038
27189 7590 03/09/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER CROW, STEPHEN R	
			ART UNIT 3764	PAPER NUMBER
			NOTIFICATION DATE 03/09/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re Application of	:	
TEAL, BRENT et al	:	DECISION ON REQUEST TO
Application No. 12/781,066	:	PARTICIPATE IN PATENT
Filed: May 17, 2010	:	PCT/PROSECUTION HIGHWAY
Attorney Docket No. 116575-1ACUTL	:	PROGRAM AND PETITION
Title: ADJUSTABLE CRANK ARMS FOR	:	37 CFR 1.102(a)
ELLIPTICAL BIKE AND METHOD OF USE	:	

This is a decision on the renewed request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed March 7, 2011, to make the above-identified application special.

The request and petition are granted.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO, JPO, EPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Other inquiries concerning the examination or status of the application should be directed to LoAn Thanh, the SPE of Art Unit 3764 at 571-272-4966 for Class 482/52 and also accessible in the PAIR system at <http://www.uspto.gov/eac/index.html>.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

This application will be forwarded and docketed to an examiner for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

The petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/781,086	Filing date:	17 May 2010
First Named Inventor:	Brent C. Teal		
Title of the Invention:	FOLDING STEERING COLUMN FOR ELLIPTICAL BIKE AND METHOD OF USE		
THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT <a href="http://www.uspto.gov/ebs/efs_help.html">HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML</a>			

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/35155

**The international date of the corresponding PCT application(s) is/are:** 17 May 2010

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☐

Is attached.

☒

Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒

Is attached.

☐

Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

(continued)

Application No.:	12/781,086
First Named Inventor:	Brent C. Teal

9

Is attached

11 February 2011

☐

Has already been filed in the above-identified U.S. application on

☐

Are attached.

11 February 2011

Have already been filed in the above-identified U.S. application on

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature	//Stephen C. Beuerle//	Date	February 11, 2011
Name (Print/Typed)	Stephen C. Beuerle	Registration Number	38,380

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,086	05/17/2010	Brent C. Teal	116575-1FSCUTL	2066
27189 7590 03/21/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER BOEHLER, ANNE MARIE M	
			ART UNIT 3611	PAPER NUMBER
			NOTIFICATION DATE 03/21/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



UNITED STATES PATENT AND TRADEMARK OFFICE

**MAR 18 2011**

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re application of  
Teal et al.

Application No. 12/781,086

Filed: May 17, 2010

For: FOLDING STEERING COLUMN  
FOR ELLIPTICAL BIKE  
AND METHOD OF USE

: **DECISION ON REQUEST TO**  
: **PARTICIPATE IN PATENT**  
: **PROSECUTION HIGHWAY**  
: **PROGRAM AND PETITION**  
: **TO MAKE SPECIAL UNDER**  
: **37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed February 11, 2011 to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.



In light of the preliminary amendment filed on February 11, 2011 and the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 03/18/11



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**HBS WELSH & KATZ - COMMScope, INC.  
120 S. RIVERSIDE PLAZA, 22ND FLOOR  
CHICAGO IL 60606**

**MAILED**

**MAR 25 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Bonczyk et al. :  
Application No. 12/781,101 : **DECISION ON PETITION**  
Filed: May 17, 2010 :  
Attorney Docket No. 7836/108506US1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed May 27, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 28, 2010. A Notice of Abandonment was mailed on February 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) an Oath or Declaration and the \$130.00 Surcharge fee; (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Patent Application Processing for further processing in accordance with this decision on petition.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

David J. Johns  
W. L. Gore & Associates, Inc.  
551 paper Mill Road  
P. O. Box 9206  
Newark DE 19714-9206

MAILED AUG 18 2010

In re application of  
James Lewis et al  
Application No. 12/781,171  
Filed: May 17, 2010  
For: INTRALUMINAL STENT GRAFT

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the petition filed on May 17, 2010 to make the above-identified application special based on infringement.

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection II (infringement) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed

electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-

Application No. 12/781,171

function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

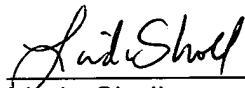
6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

#### REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. However, the petition fails to comply with condition II, subsections 2-6. Most importantly, applicant has not provided a statement that a preexamination search was conducted and no accelerated examination support document has been provided at the time of filing. Note MPEP 708.02(a), sections I (H) and (I).

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



---

Linda Sholl  
Special Programs Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**GOOGLE**  
**Lerner, David, Littenberg, Krumholz &**  
**Mentlik, LLP**  
**600 South Avenue West**  
**Westfield NJ 07090**

**MAILED**  
**MAR 13 2012**  
**OFFICE OF PETITIONS**

**In re Application of**  
**James Roskind**  
**Application No.: 12/781,185**  
**Filed: January 6, 2012**  
**Attorney Docket No.: GOOGLE 3.0-035**  
**For: System and Method for Reducing**  
**Latency via Multiple Network**  
**Connections**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed on February 28, 2012, to make the above-identified application special.

The request and petition are **DISMISSED**.

**Discussion**

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- 1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are Australia, Austria, China, EPO, Finland, JPO, Korea, NPI, Russia, Spain, Sweden and the USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof.

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

(8) Applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step and industrial applicability in the latest international work product.

The request to participate in the PPH pilot program and petition fail to meet requirements of conditions (3) and (6).

Regarding the requirement of condition (3), a copy of the claims in the Korean language and a statement that the English translation is accurate was not submitted.

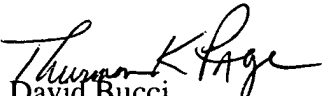
Regarding the requirement of condition (6), a copy of the written opinion in the Korean language was not submitted.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under PCT – Patent Pros Hwy. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

  
David Bucci  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (03-11)

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **242520-1** Application Number (if known): **12/781,191** Filing date: **05-17-2010**

First Named Inventor: **John K. Besore**

Title: **Submetering Power Consumption of Appliances**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: Statement Concerning the Basis for the Special Status

Signature **/Allison W. Mages/**

Date **1/4/2012**

Name (Print/Typed) **Allison W. Mages**

Registration Number **57,275**

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: John K. Besore )  
Confirmation No.: 2262 )  
Serial No.: 12/781,191 )  
Filing Date: 05-17-2010 )  
Atty Docket No.: 242520-1 (US) )

VIA EFS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Statement Concerning the Basis for the Special Status**

SIR:

This disclosure relates to energy management, and more particularly to electrical device control methods and electrical energy consumption systems. The disclosure finds particular application to energy management of appliances, for example, dishwashers, clothes washers, dryers, HVAC systems, etc. (See [0001])

Many utilities are currently experiencing a shortage of electric generating capacity due to increasing consumer demand for electricity. Currently utilities generally charge a flat rate, but with increasing cost of fuel prices and high energy usage at certain parts of the day, utilities have to buy more energy to supply customers during peak demand. If peak demand can be lowered, then a potential huge cost savings can be achieved and the peak load that the utility has to accommodate is lessened. In order to reduce high peak power demand, many utilities have instituted time of use (TOU) metering and rates which include higher

rates for energy usage during on-peak times and lower rates for energy usage during off-peak times. As a result, consumers are provided with an incentive to use electricity at off-peak times rather than on-peak times, and to reduce overall energy consumption of appliances at all times. (See [0002])

Presently, to take advantage of the lower cost of electricity during off-peak times, a user must manually operate power consuming devices during the off-peak times. However, a consumer may not always be present in the home to operate the devices during off-peak hours. In addition, the consumer may be required to manually track the current time to determine what hours are off-peak and on-peak. (See [0003])

Therefore, there is a need to provide a system that can automatically operate power consuming devices during off-peak hours in order to reduce consumer's electric bills and also to reduce the load on generating plants during on-peak hours. Active and real time communication of energy costs of appliances to the consumer will enable informed choices of operating the power consuming functions of the appliance. (See [0004])

To better inform the user about energy costs and usage there arises a need to get specific inputs from all devices within the home area network (HAN) regarding the amount of power each device is consuming on a real time basis. This application provides a means of acquiring this data to be shared with the user. (See [0005])

More specifically, this application provides a system that can determine the power consumption of a device without adding any additional hardware to the

system beyond that which already exists, for example in demand response (DR) enabled appliances, a home energy management system (HEM) and/or a programmable communicating thermostat (PCT). For example, HVAC systems have variable power consumptions depending on many key variable parameters such as indoor temperature, outdoor temperature, cleanliness of the filter, refrigerant charge of the unit, elapsed time after the start of the cycle, cleanliness of the condenser, fan speed of the low & high side fans, voltage, etc. Since the HEM and possibly the PCT may determine the indoor temperature, outdoor temperature, cycle times, and the watts the unit is consuming in real time, a system is configured to develop a dynamic table of power consumption versus indoor & outdoor temperatures. By creating a "baseline matrix" one can continually compare readings on any given day, knowing the inside and outside temperatures to diagnose the HVAC system and offer up notifications and/or suggestions for remedying in cases where the power consumption is "out of line" relative to the historical matrix. (See [0006])

Likewise, the system would be able to offer notifications about the condition of the house relative to heat leakage by comparing HVAC or heating run times for equivalent weather conditions from historical stored data. The system may also be configured to "compare notes" with similar houses in a neighborhood, for example, to provide insights into energy savings tips, such as adding insulation, better windows, etc. The system may be coupled to a user display device and/or interface that can enable the user to input some basic data about the house size, age, window construction, etc. Appliance specific cost

information will be available to the user through this system. Instead of the general statements like, "raising the thermostat 2 degrees saves an average of 5% during cooling months" this system can give accurate information on historical costs and can predict saving based on suggested changes to the HEM or PCT profiles. (See [0007])

Amongst several benefits, the present application allows for greater informational awareness and control of energy flow. This informational awareness allows consumers to interface with their energy consumption, providing new levels of detail on how, and how much, electricity is being consumed and at what cost in real time, and give them the tools to increase or decrease their consumption. It also allows utilities to more efficiently manage and adjust electricity transmission, reducing the likelihood of outages and congestion while improving billing accuracy for consumers. Smart systems, like the present application, generally provides consumers and utilities a greater ability to adapt to changing market conditions for greater energy efficiency. ("Smart Grid", Office of Electricity Delivery & Energy Reliability. 2011. Web. 28 July 2011).

Therefore, Applicant respectfully submits that Special Status is sought on the basis that the present invention materially contributes to the more efficient utilization and conservation of energy resources.

The undersigned representative may be contacted at the number below to facilitate the resolution of any matters. Please charge any fees that are incurred in connection with this Statement to deposit account no. 09-0470.

Respectfully submitted,

General Electric Company

By : /Allison W. Mages/  
Allison W. Mages  
Reg. No. 57,275

Dated: January 4, 2012

GE Global Patent Operation  
2 Corporate Drive, Suite 648  
Shelton, CT 06484  
203-944-6730



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,191	05/17/2010	John K. Besore	242520-1 GECZ 201083US01	2262
27885	7590	01/13/2012	EXAMINER	
FAY SHARPE LLP 1228 Euclid Avenue, 5th Floor The Halle Building Cleveland, OH 44115			KASENGE, CHARLES R	
			ART UNIT	PAPER NUMBER
			2121	
			MAIL DATE	DELIVERY MODE
			01/13/2012	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

FAY SHARPE LLP  
1228 Euclid Avenue, 5th Floor  
The Halle Building  
Cleveland OH 44115

In re Application of:

BESORE, John et al.

Application No.: 12/781,191

Filed: May 17, 2010

For: **SUBMETERING POWER**

**CONSUMPTION OF APPLIANCES**

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
THE GREEN TECHNOLOGY  
PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed January 4, 2012, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent

Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1-8 above. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the Technology Center Art Unit 2121 for action on the merits commensurate with this decision.

Telephone inquiries concerning this decision should be directed to Eddie C. Lee at 571-272-1732.

/Eddie C. Lee/

Quality Assurance Specialist  
Technology Center 2100





## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : February 7, 2012

In re Application of :

DECISION ON PETITION

Wade Mattar

UNDER CFR 1.137(b)

Application No : 12781320

Filed : 17-May-2010

Attorney Docket No : 06006(1)C

This is an electronic decision on the petition under 37 CFR 1.137(b), filed February 7, 2012 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	12781320	
Filing Date	17-May-2010	
First Named Inventor	Wade Mattar	
Art Unit	2855	
Examiner Name	HARSHAD PATEL	
Attorney Docket Number	06006(1)C	
Title	SINGLE AND MULTIPHASE FLUID MEASUREMENTS USING A CORIOLIS METER AND A DIFFERENTIAL PRESSURE FLOWMETER	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications;</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p><b>Issue Fee and Publication Fee :</b></p> <p>Issue Fee and Publication Fee are not due.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p><b>Drawing corrections and/ or other deficiencies.</b></p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☒ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Robert M. Bain/
Name	Robert M. Bain
Registration Number	36736



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,336	05/17/2010	Hiroki TAKAHASHI	MNL-2018-2520	2518
23117 7590 11/07/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER DENION, THOMAS E	
			ART UNIT 3748	PAPER NUMBER
			MAIL DATE 11/07/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON VA 22203

*In re* Application of:  
TAKAHASHI, HIROKI  
Serial No.: 12/781,336  
Filed: May 17, 2010  
Attorney Docket No. : MNL-2018-2520  
Title:  
VALVE TIMING CONTROL  
APPARATUS

: DECISION ON A REQUEST TO  
: PARTICIPATE IN PATENT  
: PCT/PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: CFR 1.102(a)  
:

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed Nov. 4, 2011 to make the above-identified application special.

The request and petition are **granted**.

A grantable request to participate in the PPH pilot program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more PCT applications filed in the IPAU, JPO, EPO, KIPO, or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application.

Response must be filed via EFS-Web. Telephone inquiries concerning this decision should be directed to Henry C. Yuen, at 571-272-4856.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen  
Special Programs Examiner  
Technology Center 3700  
Tel: 571-272-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

GORE ENTERPRISE HOLDINGS, INC.  
551 PAPER MILL ROAD  
P. O. BOX 9206  
NEWARK DE 19714-9206

MAILED AUG 18 2010

In re application of  
James Lewis et al  
Application No. 12/781,358  
Filed: May 17, 2010  
For: INTRALUMINAL STENT GRAFT

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the petition filed on May 17, 2010 to make the above-identified application special based on infringement.

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection II (infringement) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed

- electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
  4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
  - 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
  - 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-



function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;

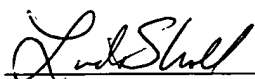
6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

### REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. However, the petition fails to comply with condition II, subsections 2-6. Most importantly, applicant has not provided a statement that a preexamination search was conducted and no accelerated examination support document has been provided at the time of filing. Note MPEP 708.02(a), sections I (H) and (I).

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



---

Linda Sholl, Special Programs Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MAILED AUG 18 2010

David J. Johns  
W. L. Gore & Associates, Inc.  
551 paper Mill Road  
P.O. Box 9206  
Newark DE 19714-9206

In re application of  
James Lewis et al  
Application No. 12/781,388  
Filed: May 17, 2010  
For: INTRALUMINAL STENT GRAFT

DECISION ON PETITION  
TO MAKE SPECIAL

This is a decision on the petition filed on May 17, 2010 to make the above-identified application special based on infringement.

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

Pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), all petitions to make special, except those based on applicant's health or age or the PPH pilot, filed on or after August 25, 2006 are required to comply with the requirements of petitions to make special under the accelerated examination program. Note that any petition to make special under MPEP § 708.02, based solely on subsection II (infringement) was required to be filed prior to August 25, 2006.

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Changes to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed

electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;

3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

## II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview;
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner;
5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

- 5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;
- 5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;
- 5.3. encompass the disclosed features that may be claimed.
6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

- 6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;
- 6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;
- 6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);
- 6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);
- 6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-

function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists;


6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

### REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. However, the petition fails to comply with condition II, subsections 2-6. Most importantly, applicant has not provided a statement that a preexamination search was conducted and no accelerated examination support document has been provided at the time of filing. Note MPEP 708.02(a), sections I (H) and (I).

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



---

Linda Sholl, Special Programs Examiner  
Technology Center 3700

**SPE RESPONSE FOR CERTIFICATE OF CORRECTION**

**Paper No.:** \_\_\_\_\_

**DATE** : 02/14/11

**TO SPE OF** : ART UNIT: 3745 Attn: LOOK EDWARD K (SPE)

**SUBJECT** : Request for Certificate of Correction for Appl. No.: 12/781415 Patent No.: 7874805

CofC Mailroom date: 02/07/11

Please respond to this request for a certificate of correction within 7 days.

**FOR IFW FILES:**

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

**FOR PAPER FILES:**

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)**  
**Randolph Square – 9D10-A**  
**Palm Location 7580**

Please see the attached Drawing

**Tasneem Siddiqui**  
Certificates of Correction Branch  
703-756-1593 or 703-756-1814

**Thank You For Your Assistance**

**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☐ **Approved**

**All changes apply.**

☐ **Approved in Part**

**Specify below which changes do not apply.**

☐ **Denied**

**State the reasons for denial below.**

**Comments:** Approved. I could not check the box above. Thanks.

\_\_\_\_\_  
\_\_\_\_\_

/Edward Look/

AU3745

**SPE**

**Art Unit**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,476	05/17/2010	FUHUA CHENG	434-378	2783

1009	7590	03/02/2011
KING & SCHICKLI, PLLC 247 NORTH BROADWAY LEXINGTON, KY 40507		

EXAMINER	
----------	--

ART UNIT	PAPER NUMBER
2482	

MAIL DATE	DELIVERY MODE
03/02/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MAILED

MAR 01 2011

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

KING & SCHICKLI, PLLC  
247 NORTH BROADWAY  
LEXINGTON, KY 40507

In Re Application of  
CHENG, FUHUA  
Application Serial No. 12/781,476  
Filed: May 17, 2010  
For: **SQUARE TUBE MIRROR-BASED IMAGING  
SYSTEM**

: DECISION ON PETITION  
: TO ACCEPT COLOR  
: PHOTOGRAPHS  
:

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed July 26, 2010, requesting acceptance of color drawings.

The petition requests that the color photographs, noted as Figure 25 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), three (3) sets of the color photos in question, a black and white photocopy of said photos, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

*" The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."*

Petitioner has met the requirements set forth above. Accordingly, the petition is **Granted**.

/Mehrdad Dastouri/

Mehrdad Dastouri  
Quality Assurance Specialist  
Technology Center 2400  
(571) 272-7418



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Pearl Cohen Zedek Latzer, LLP  
1500 Broadway  
12th Floor  
New York NY 10036

**MAILED**

**MAR 14 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Jessop :  
Application No. 12/781,545 :  
Filed: May 17, 2010 :  
Attorney Docket No. P-9748-US6 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3205.

*/ALESIA M. BROWN/*

Alesia M. Brown  
Attorney Advisor  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MARK FARBER, ESQ.  
TYCO HEALTHCARE GROUP LP  
60 MIDDLETOWN AVENUE  
NORTH HAVEN CT 06473

**MAILED**  
**SEP 22 2011**  
**OFFICE OF PETITIONS**

Applicant: Keith Milliman  
Appl. No.: 12/781,622  
Filing Date: May 17, 2010  
Title: SURGICAL INSTRUMENT WITH SAFETY MECHANISM  
Attorney Docket No.: H-US-01637  
Pub. No.: US 2011/0006100 A1  
Pub. Date: January 13, 2011

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on March 14, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the name of the inventor "Keith Milliman" was misprinted as "Keith Milliam".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The error noted by requester wherein the name of the inventor "Keith Milliman" was misprinted as "Keith Milliam" on the front page of the publication may be Office error, but is not a material Office error under 37 CFR 1.221(b). The misprinting of an inventor's name does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

On May 28, 2010 and August 2, 2010 Filing Receipts were mailed by the Office which misprinted the inventor's last name. To avoid this type of problem in the future applicant's representative should correct the error, if applicable and make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,634	05/17/2010	Yasuyuki NAGASHIMA	KATSDC.064AUS	3117
7590 03/29/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER LOUIS JACQUES, JACQUES H	
			ART UNIT	PAPER NUMBER
			2112	
			NOTIFICATION DATE	DELIVERY MODE
			03/29/2011	ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Barnes*  
Patent Publication Branch  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Paper No.

COGNEX CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
1 VISION DRIVE  
NATICK MA 01760-2077

**MAILED**  
**MAY 16 2011**  
**OFFICE OF PETITIONS**

In re Application of	:	
Moed et al.	:	
Application No. 12/781,651	:	DECISION ON PETITION
Filed: May 17, 2010	:	PURSUANT TO
Attorney Docket No.: C10-	:	37 C.F.R. § 1.137(B)
002(119/0103)	:	
Title: SYSTEM AND METHOD FOR	:	
PROCESSING IMAGE DATA RELATIVE	:	
TO A FOCUS OF ATTENTION WITHIN	:	
THE OVERALL IMAGE	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed January 19, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

This application was filed on May 17, 2010, and a copy of Figure 9 was not included on initial deposit. The Office mailed a Notice of Missing Parts (first notice) on June 1, 2010, which set a two-month period for response and required, *inter alia*, either an assertion that Figure 9 was present on filing, a copy of Figure 9 and an acceptance of a later filing date, or an acceptance of the original filing date coupled with renumbered figures, a substitute specification, and a statement directed towards the absence of any new matter. On August 23, 2010, Applicant submitted, *inter alia*, an amendment to the specification, replacement drawings, and a statement directed towards the absence of any new matter.<sup>1</sup> It is noted that an extension of time was not included with this submission. The Office mailed a Notice of Incomplete Reply (second notice) on

<sup>1</sup> Remarks, page 1.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

December 8, 2010, which set forth the three options which were included in the first notice. The second notice did not extend the period for response that was set by the first notice. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on August 2, 2010. A notice of abandonment was mailed on January 18, 2011.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted a substitute specification along with an amendment directing the entry of the same,<sup>2</sup> a statement directed towards the absence of any new matter,<sup>3</sup> the petition fee, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.<sup>4</sup>

The Office of Patent Application Processing (OPAP) will be notified of this decision, and jurisdiction over the application is transferred to OPAP, so that the application may receive further processing.

---

<sup>2</sup> See "REFILED RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL) IN ASSOCIATION WITH PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137," page 1.

<sup>3</sup> Id.

<sup>4</sup> See Rule 1.137(d).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

Petitioner will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP. Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by OPAP in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to OPAP where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.<sup>5</sup>

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

---

<sup>5</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT          ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	
Application Number	12781667	
Filing Date	17-May-2010	
First Named Inventor	Renee Callanan	
Attorney Docket Number	CAN-10-cip-01	
Title	Breast Milk Collection and Storage device	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <p>(1) Petition fee;</p> <p>(2) Reply and/or issue fee;</p> <p>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</p> <p>(4) Statement that the entire delay was unintentional</p>		
<p>Petition Fee</p> <p><input type="radio"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="radio"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="radio"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="radio"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>2. Reply and/or fee</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the amendment and response have already been filed in the above-identified application on</p> <p><input checked="" type="radio"/> Amendment and response are attached</p> <p>RCE request, submission, and fee.</p> <p><input type="radio"/> I certify, in accordance with 37 CFR 1.4(d)(4) that the RCE Request, Submission, and Fee have already been filed in the above-identified application on</p> <p><input type="radio"/> RCE Request, Submission, and Fee are attached</p>		
Notice of Appeal		

☐ I certify, in accordance with 37 CFR 1.4(d)(4) that the Notice of Appeal and Fee have already been filed in the above-identified application on

☐ Notice of Appeal and Fee are attached

3. Terminal Disclaimer is not required, since the Electronic Petition format is not support for Design applications and applications filed before June 8, 1995. Please file using regular petition format for review by the Office of Petitions.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.

☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.

☐ A sole inventor

☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors

☐ A joint inventor; all of whom are signing this e-petition

☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/peter a haas/
Name	Peter A Haas
Registration Number	52481





## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date January 25, 2012

In re Application of Renee Callanan

Application No. 12781667

Filed: 17-May-2010

DECISION ON PETITION

UNDER CFR 1.137(b)

Attorney Docket No. CAN-10-cip-01

This is an electronic decision on the petition under 37 CFR 1.137(b), January 25, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the outstanding Office communication. The date of abandonment is the day after the last day of the period set for reply in the Office action plus any applicable extensions of time properly requested.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response; (2) the petition fee as set forth in 37 CFR 1.17 (m); and (3) the required statement of unintentional delay have been received. Accordingly, the response is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Technology Center.

Office of Petitions



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : May 6,2011

In re Application of :

Marc Sinovich

Application No : 12781671

Filed : 17-May-2010

Attorney Docket No : SINM 9716C1

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 6,2011

The request is **APPROVED**.

The request was signed by Steven C. Balsarotti (registration no. 65601 ) on behalf of all attorneys/agents associated with Customer Number 001688 . All attorneys/agents associated with Customer Number 001688 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Marc F Sinovich  
Name2  
Address 1 53 Grand Circle Dr  
Address 2  
City Maryland Heights  
State MO  
Postal Code 63043  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12781671	
Filing Date	17-May-2010	
First Named Inventor	Marc Sinovich	
Art Unit	3711	
Examiner Name	MITRA ARYANPOUR	
Attorney Docket Number	SINM 9716C1	
Title	BASES FOR BASEBALL AND SOFTBALL	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		001688 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Marc F Sinovich	
Address	53 Grand Circle Dr	
City	Maryland Heights	
State	MO	
Postal Code	63043	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/steven c balsarotti reg no 65601/
Name	Steven C. Balsarotti
Registration Number	65601



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,672	05/17/2010	Yoshikata Tobita	6639P944	3185
8791	7590	07/18/2011		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER MEHTA, BHAVESH M	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 07/18/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**  
**1279 OAKMEAD PARKWAY**  
**SUNNYVALE CA 94085-4040**

<b>In re Application of</b>	<b>: DECISION ON REQUEST TO</b>
<b>TOBITA et al.</b>	<b>: PARTICIPATE IN THE PATENT</b>
<b>Application No.: 12/781,672</b>	<b>: PROSECUTION HIGHWAY</b>
<b>Filed: 17 May 2010</b>	<b>: PROGRAM AND PETITION</b>
<b>Attorney Docket No.: 6639P944</b>	<b>: TO MAKE SPECIAL UNDER</b>
<b>For: ELECTRONIC APPARATUS AND</b>	<b>: 37 CFR 1.102(a)</b>
<b>IMAGE PROCESSING METHOD</b>	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 10 June 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is
  - a. a Paris Convention application which either
    - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
  - b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim, or
  - c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
    - i. validly claims priority to an application filed in the JPO, or
    - ii. validly claims priority to a PCT application that contains no priority claims, or
    - iii. contains no priority claim;

2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

  
Lee W. Young  
TQAS, Technology Center 2600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,685	05/17/2010	Kimio Kajiya	6639P945	3209

7590 06/03/2011  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
----------

HJERPE, RICHARD A

ART UNIT	PAPER NUMBER
----------	--------------

2629

MAIL DATE	DELIVERY MODE
-----------	---------------

06/03/2011

PAPER

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch  
Office of Data Management



Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (05-10)

Approved for use through 01/31/2011. OMB 0651-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: **99911/5950** Application Number (if known): **12/781,687,** Filing date: **May 17, 2010**

First Named Inventor: **Mitchell Andrew Paasch**

Title: **Energy Storage and Charging System for a Vehicle**

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements set forth in the notice titled "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," as modified by the notice titled "Elimination of Classification Requirement in the Green Technology Pilot Program," each of which was published in the Federal Register, if the Office determines that the claims are not obviously directed to a single invention.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature **/Jeremy S. Snodgrass/**

Date **November 12, 2010**

Name (Print/Typed) **Jeremy S. Snodgrass**

Registration Number **64,991**

**Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below\*.**



\*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,687	05/17/2010	Mitchell Andrew Paasch	99911/5950	3213
757 7590 11/30/2010 BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			EXAMINER ASSOUAD, PATRICK J	
			ART UNIT 2858	PAPER NUMBER
			MAIL DATE 11/30/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO IL 60610

In re Application of	:	
Mitchell Andrew PAASCH	:	DECISION ON PETITION
Application No. 12/781,687	:	TO MAKE SPECIAL UNDER
Filed: May 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 99911/5950	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 12, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to

make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks items 3 and 4.

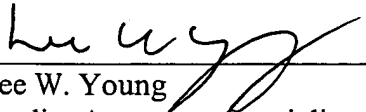
In regard to item 3, applicant has failed to state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction.

In regard to item 4, the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B) above. Applicant must provide a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.

  
\_\_\_\_\_  
Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence is being electronically deposited with the United States Patent and Trademark Office through the Electronic Filing System, on the below date:

Date: December 21, 2010 Name: Jeremy S. Snodgrass Signature: /Jeremy S. Snodgrass/

Attorney Docket No. 99911/5950

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Mitchell Andrew PAASCH

Examiner: Patrick J. Assouad

Serial No.: 12/781,687

Group Art Unit: 2858

Filed: May 17, 2010

Confirmation No.: 3213

For: ENERGY STORAGE AND  
CHARGING SYSTEM FOR  
A VEHICLE

**PETITION FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. §1.47(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the dismissal of the petition under 37 C.F.R. §1.102, which was mailed on November 30, 2010, the applicant submits this petition for reconsideration. Reconsideration and granting of applicant's petition to make special under the Green Technology Pilot Program is respectfully requested.

The USPTO has dismissed the petition because it did not satisfy requirements 3) and 4) of the Green Technology Pilot Program. In regard to requirement 3, the applicant must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy

resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. In regard to item 4, where the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B) above, Applicant must provide a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. The following is a statement by the attorney representing the applicant regarding both requirements 3 and 4.

Statement from Jeremy S. Snodgrass:

Applicant respectfully submits that the basis for seeking special status under the Green Technology Pilot Program is that the claimed invention both A) materially enhances the quality of the environment by reducing fossil fuel emissions; and B) materially contributes to: ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. This invention reduces fossil fuel emissions, greenhouse gas emissions, and conserves energy by allowing a vehicle to use less gasoline (or other fossil fuels) as described below.

The claimed invention materially enhances the quality of the environment by allowing a vehicle to capture energy created by the movement of the vehicle or by wind currents. See Current Specification, Para. [0002], [0004]. The energy is stored as electrical energy, which can be used to power the vehicle. See Para. [0004], [0024]. Such a vehicle requires less fossil fuel because it can flexibly and efficiently engage the charging system to generate electrical power using wind currents instead of relying solely on fossil fuels. See, e.g., Para. [0017]. Therefore, operation of the system reduces greenhouse gas emissions, and correspondingly materially enhances the quality of the environment by reducing the greenhouse gas emissions because less fossil fuels may be required to power the vehicle. See Abstract, Para. [0002].

Furthermore, operation of the system results in more efficient utilization and conservation of energy resources because the charging system can be engaged when energy is required and disengaged when energy is not required. For example,

App. No.: 12/781,687

Attorney Docket No.: 99911/5950

when energy is not required, the electromagnetic clutch that connects the impeller to the electromechanical conversion device can be disengaged. Para. [0017].

Disengaging the clutch reduces the energy required to motivate the vehicle forward because the friction and load of the electromechanical conversion device is absent.

The charging system allows for more efficient energy storage and management by virtue of its flexibility: it can be engaged and disengaged as electrical energy is needed rather than remaining in operation at all times. Thus, the energy resources required to power the vehicle are conserved. *See Abstract.*

Respectfully submitted,

Dated: December 21, 2010

/Jeremy S. Snodgrass/

Jeremy S. Snodgrass  
Registration No. 64,991  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610  
(312)321-4200



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,687	05/17/2010	Mitchell Andrew Paasch	99911/5950	3213

757 7590 01/12/2011  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

EXAMINER
----------

ASSOUAD, PATRICK J

ART UNIT	PAPER NUMBER
2858	

MAIL DATE	DELIVERY MODE
01/12/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO IL 60610

In re Application of	:	
Mitchell Andrew PAASCH	:	DECISION ON PETITION
Application No. 12/781,687	:	TO MAKE SPECIAL UNDER
Filed: May 17, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 99911/5950	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed on November 12, 2010 and renewed on December 21, 2010, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DENIED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications and be filed prior to the date of the notice, December 8, 2009.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The petition lacks item 4.

In regard to item 4, applicant's statement pertaining to how the materiality standard is met does not satisfy the requirements for this pilot. The renewed petition includes a statement identifying the basis for the special status as contributing to more efficient utilization and conservation of energy and greenhouse gas emission reduction. The claims are directed to an electrical charging system and method. The allegation that a vehicle using the claimed invention will require less fossil fuel is without support. It would stand to reason that any vehicle using the claimed charging system would incur an increase in overall vehicle drag resulting from air flow through the intake and exhaust ports and over the impeller and would require energy to overcome the friction and load of the electromechanical conversion device. This increase in required energy to move the vehicle would result in an increase in the usage of fossil fuel and increased greenhouse gas emission. Any system that produces more energy than that which is consumed would be a perpetual motion machine and such a machine is widely considered as physically impossible. The statement that the generated electrical energy could be used to power the vehicle is not reflected in the claims and is considered speculation as to how a hypothetical end-user might specially apply the claimed invention. It is not seen how the use of a clutch to engage and disengage the charging system results in more efficient utilization and conservation of energy. Not using a device and thereby not using the energy to power the device is not more efficient utilization of energy.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

The application is being forwarded to the Technology Center Art Unit 2858 for action in its regular turn.

---

Lee W. Young  
Quality Assurance Specialist  
Technology Center 2800



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**PERKINS COIE LLP**  
**PATENT-SEA**  
**P.O. BOX 1247**  
**SEATTLE, WA 98111-1247**

**MAILED**  
**JAN 24 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Barclay et al.  
Application No. 12/781,712  
Filed: May 17, 2010  
Attorney Docket No. 63626-8001.US01

:  
:  
:  
:  
:

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 16, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

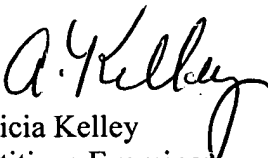
The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement (PTO/SB/130 form) by the applicant's attorney that the applicant is 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6059. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 1775 for action on the merits commensurate with this decision.

  
Alicia Kelley  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

PERKINS COIE, LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

**MAILED**

**JUN 15 2011**

**OFFICE OF PETITIONS**

In re Application of  
Kenneth J. Mackin, et. al.  
Application No. 12/781,721  
Filed: May 17, 2010  
Attorney Docket No. 343328001US04

**DECISION ON PETITION  
TO WITHDRAW FROM  
RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed May 11, 2011.

The request is **APPROVED**.

The request was signed by Maurice J. Pirio on behalf of himself and all the attorneys/agents of record. Therefore, Maurice J. Pirio and all the attorneys/agents of record have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

All future communications from the Office will be directed to the address listed below until otherwise properly notified by the applicant.

This application is being referred to Technology Center Art Unit 2115 for examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith  
Petitions Examiner  
Office of Petitions

cc: Tranxition Corporation c/o CT Pew  
322 Northwest 6<sup>th</sup> Avenue  
Suite 200  
Portland, OR 97209



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/781,721	05/17/2010	Kenneth J. Mackin	343328001US04

**CONFIRMATION NO. 3276**

**POWER OF ATTORNEY NOTICE**



25096  
PERKINS COIE LLP  
PATENT-SEA  
P.O. BOX 1247  
SEATTLE, WA 98111-1247

Date Mailed: 06/10/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 05/11/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

BIOTECH BEACH LAW GROUP, PC  
5677 OBERLIN DRIVE, SUITE 204  
SAN DIEGO CA 92121

MAILED AUG 30 2010

In re Application of: Huynh, Chi	:	DECISION ON PETITION TO
Application No.: 12/781769	:	MAKE SPECIAL FOR NEW
Filed: May 17, 2010	:	APPLICATION UNDER 37
Title: Shoe With Transverse Aperture and Cover	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02

This is a decision on the petition filed on May 17, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the time of filing. The mailing of a Notice of Informal Application on May 21, 2010 is evidence that the application was not complete and in condition for examination at the time of filing.

For the above-stated reasons, the petition is **DENIED**. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to Linda Sholl, TC 3700 Special Program Examiner, at (571) 272-4391.

A handwritten signature in cursive script, appearing to read "Linda Sholl", is written over a horizontal line.

Linda Sholl  
Special Program Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MICHAEL A DESANCTIS  
HAMILTON DESANCTIS & CHA LLP  
FINANCIAL PLAZA AT UNION SQUARE  
225 UNION BOULEVARD, SUITE 150  
LAKEWOOD CO 80228

**MAILED**  
**AUG 02 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Hussain et al. :  
Application No. 12/781808 :  
Filing or 371(c) Date: 05/17/2010 : **ON PETITION**  
Attorney Docket Number: FORT-002720 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 12, 2011, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed January 11, 2011. The Office action set a three (3) month period for reply from the mail date of the Office action. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on April 12, 2011.

Applicant files the present petition and includes an Amendment in response to the Office action.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment is filed with the present petition; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

The application is being referred to Technology Center Art Unit 2475 for processing of the Amendment filed with the petition in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods  
Attorney  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,819	05/18/2010	CHIH-MING LAI	US27937	3470

7590 01/31/2011  
Altis Law Group, Inc.  
ATTN: Steven Reiss  
288 SOUTH MAYO AVENUE  
CITY OF INDUSTRY, CA 91789

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

2875

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

01/31/2011

ELECTRONIC

**DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)**

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Kimi Sarmes*

Patent Publication Branch  
Office of Data Management

Adjusted date: 12/30/2011  
COPIES OF THIS FILE AT: 00000000 000000 12/30/2011  
J. F. 1111 340.00 CR



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Manelii Denison & Selter PLLC  
2000 M Street  
7th Floor  
Washington DC DC 20036

**MAILED**

**MAY 09 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Raybon et al. :  
Application No. 12/781,845 : **DECISION ON PETITION**  
Filed: May 18, 2010 :  
Attorney Docket No. 16576 :

This is a decision on the correspondence entitled, "CHANGE OF ORDER OF INVENTORS NAME AND SUPPLEMENTAL DECLARATION," filed August 16, 2010, which will be treated as a constructive petition under 37 CFR 1.182, to change the order of the named inventors in the above-identified application.

The constructive petition under 37 CFR 1.182 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.182." Petitioners are advised that this is not a final agency decision.

MPEP 605.04(f) Signature on Joint Applications - Order of Names provides, in pertinent part:

...Since the particular order in which the names appear is of no consequence insofar as the legal rights of the joint applicants are concerned, no changes will be made except when a petition under 37 CFR 1.182 is granted. The petition should be directed to the attention of the Office of Petitions. The petition to change the order of names must be signed by either the attorney or agent of record or all the applicants. Applicants are strongly encouraged to submit an application data sheet showing the new order of inventor names to ensure appropriate printing of the inventor names in any patent to issue...

The current Rule 182 petition fee is set forth in 37 CFR 1.17(f) as \$400.00. Until the \$400.00 petition fee is paid, the merits of the petition will not be addressed.

Further correspondence with respect to this matter should be delivered through one of the following mediums:


By mail:                    Mail Stop PETITIONS  
                                 Commissioner for Patents  
                                 Post Office Box 1450  
                                 Alexandria, VA 22313-1450

By hand:                   Customer Service Window  
                                 Mail Stop Petitions  
                                 Randolph Building  
                                 401 Dulany Street  
                                 Alexandria, VA 22314

By fax:                    (571) 273-8300  
                                 ATTN: Office of Petitions

By internet:              EFS-Web<sup>1</sup>

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

  
Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions

---

<sup>1</sup> [www.uspto.gov/ebc/efs\\_help.html](http://www.uspto.gov/ebc/efs_help.html) (for help using EFS-Web call the Patent Electronic Business Center at (866) 217-9197)



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PATENT, COPYRIGHT & TRADEMARK LAW GROUP  
4199 Kinross Lakes Parkway  
Suite 275  
RICHFIELD OH 44286

**MAILED**  
**SEP 14 2010**  
**OFFICE OF PETITIONS**

In re Application of  
Steven TSENGAS et al.  
Application No. 12/781,862  
Filed: May 18, 2010  
Attorney Docket No. OP-2307

DECISION ON PETITION  
TO MAKE SPECIAL UNDER  
37 CFR 1.102(c)(1)

This is a response to the petition under 37 CFR 1.102(c)(1), filed May 18, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.


A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from applicant Steven Tsengas that the applicant is 65 years of age or older as required under MPEP § 708.02. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to David Bucci at 571-272-7099.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

  
David Bucci  
Petitions Examiner  
Office of Petitions

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket Number: 83142436	Application Number (if known): 12/781,937	Filing date: 05-18-2010
----------------------------------	---	-------------------------

First Named Inventor: Hai Yu
------------------------------

Title: Electric Motor Enhanced Driveability In Vehicle Handling And Stability Control Events
--

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Angela M. Brunetti/	Date 3/21/11
--------------------------------	--------------

Name Angela M. Brunetti (Print/Typed)	Registration Number 41,647
--	----------------------------

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of <sup>1</sup> forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/781,937	05/18/2010	Hai Yu	83142436	3706

77327	7590	04/11/2011
ANGELA M. BRUNETTI, PLLC		
3233 Lake Forest Dr.		
Sterling Heights, MI 48314		

EXAMINER	
BROWDER, LINDSAY	

ART UNIT	PAPER NUMBER
3661	

NOTIFICATION DATE	DELIVERY MODE
04/11/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ANGELA@I3LAW.COM  
LISA@I3LAW.COM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APR 08 2011

ANGELA M. BRUNETTI, PLLC  
3233 Lake Forest Dr.  
Sterling Heights MI 48314

In re Application of	:	
Hai YU et al.	:	DECISION ON PETITION
Application No. 12/781,937	:	TO MAKE SPECIAL UNDER
Filed: May 18, 2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. 83142436	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed March 21, 2011 to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration must be filed within ONE (1) MONTH OR THIRTY (30) DAYS from the mail date of this decision, whichever is longer. No extension of this time limit can be granted under 37 CFR 1.136(a) or (b). The petition for reconsideration should include an exhaustive attempt to provide the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview

if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

As set forth at numeral 8 in the Requirements section of the Notice, the petition to make special must be accompanied by a request for early publication and the publication fee set forth in 37 CFR 1.18(d). Petitioner's deposit account has been charged the \$300 early publication fee in accordance with this notice.

The petition lacks item 4.

In regard to item 4, the disclosure of the application does not explain how a system and method for controlling a vehicle during a turn to enhance the stability and driveability of a hybrid/electric vehicle would reduce fuel consumption. There is nothing in the disclosure of the application that explains how the claimed system and method materially enhances the quality of the environment, or materially contributes to the more efficient utilization and conservation of energy resources. As stated in the notice, the materiality standard does not permit an applicant to speculate as to how a hypothetical end-user might specially apply the invention in a manner than could materially contribute to category (A) or (B). *Also see MPEP § 708.02 (VI)*. Accordingly, as there is no materiality statement, it is unclear as to how the claimed invention would materially contribute to category (A) or (B), and it is not agreed that the application on its face meets that materiality standard.

Any reconsideration of this decision should be submitted through the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen.

Telephone inquiries concerning this decision should be directed to Lanna Mai at 571-272-6867.

The application is being forwarded to the Technology Center Art Unit 3661 for action in its regular turn.

/Lanna Mai/

---

Lanna Mai  
Quality Assurance Specialist  
Technology Center 3600





## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 6,2011

In re Application of :

Joseph Iannicelli

Application No : 12781955

Filed : 18-May-2010

Attorney Docket No : 001025.00014

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 6,2011

The request is **APPROVED**.

The request was signed by Paul Rivard (registration no. 43446 ) on behalf of all attorneys/agents associated with Customer Number 22907 . All attorneys/agents associated with Customer Number 22907 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Joseph Iannicelli  
Name2  
Address 1 J.I Enterprises, Inc.  
Address 2 3963 Darien Highway  
City Brunswick  
State GA  
Postal Code 31525  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12781955	
Filing Date	18-May-2010	
First Named Inventor	Joseph Iannicelli	
Art Unit	1731	
Examiner Name	PRITESH DARJI	
Attorney Docket Number	001025.00014	
Title	Method and Composition For Sorbing Toxic Substances	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		22907 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Joseph Iannicelli	
Address	J.I Enterprises, Inc. 3963 Darien Highway	
City	Brunswick	
State	GA	
Postal Code	31525	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Paul M. Rivard/
Name	Paul Rivard
Registration Number	43446



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JOSEPH IANNICELLI  
JJ ENTERPRISES, INC.  
3963 DARIEN HIGHWAY  
BRUNSWICK, GA 31525

**MAILED**

**JUL 08 2011**

**OFFICE OF PETITIONS**

In re Application of Iannicelli	:	
Application No. 12/781,955	:	Decision on Petition
Filing Date: May 18, 2010	:	
For: Method and Composition for	:	
Sorbing Toxic Substances	:	

This is a decision on the petition under 37 CFR 1.137(b) filed June 23, 2011, which requests revival of the above-identified application.

The petition is **granted**.

The Office mailed a final Office action on March 7, 2011, which set a shortened statutory period for reply of three (3) months. A proper reply was not timely filed in response to the final Office action and an extension of time was not obtained. As a result, the application became abandoned on June 8, 2011.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed,
- (2) The petition fee, and
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.<sup>1</sup>

As to requirement (1), the petition includes a reply in the form of a notice of appeal.

As to requirement (2), the petition includes the required petition fee of \$810.

---

<sup>1</sup> A terminal disclaimer is also necessary if the application is a design application or if the application was filed on or before June 8, 1995.

As to requirement (3), the petition includes the required statement of unintentional delay. However, the petition is signed by patent agent Kenneth Darnell.

Darnell was not a representative of record at the time the application became abandoned. Therefore, Darnell may not have firsthand or direct knowledge of the facts and circumstances of the delay. Nevertheless, the statement by Darnell that the entire delay was unintentional is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.<sup>2</sup> In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that a portion of the delay from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was intentional, petitioner must notify the Office.

In view of the prior discussion, the petition is granted and the application is revived.

**The notice of appeal filed June 23, 2011, has been entered and made of record. Accordingly, the extendable 2-month time period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.**

The petition includes a payment of \$555 for a three-month extension of time. However, payment for an extension of time is unnecessary for relief to be granted under 37 CFR 1.137(b). *See* MPEP 711.03(c)(II)(A). Therefore, the Office will schedule a refund of the \$555.

There is no indication that Darnell has ever been given a power of attorney and the address on the petition differs from the address of record. A courtesy copy of this decision is being mailed to Darnell at the address on the petition. However, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

Technology Center Art Unit 1731 will be informed the application has been revived and informed a notice of appeal has been filed.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions

cc: Kenneth E. Darnell  
1975 Grimsley Rd.  
Gordon, AL 36343

---

<sup>2</sup> See Changes to Patent Practice and Procedure, 62 *Fed. Reg.* at 53160 and 53178; 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12781965	
Filing Date	18-May-2010	
First Named Inventor	Joseph Iannicelli	
Art Unit	1731	
Examiner Name	PRITESH DARJI	
Attorney Docket Number	001025.00015	
Title	METHOD DEWATERING RED MUD	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		22907 <hr/>
The reason(s) for this request are those described in 37 CFR: 10.40(b)(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Joseph Iannicelli	
Address	J.I. Enterprises, Inc. 3963 Darien Highway	
City	Brunswick	
State	GA	
Postal Code	31525	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Paul M. Rivard/
Name	Paul Rivard
Registration Number	43446



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : April 6,2011

In re Application of :

Joseph Iannicelli

Application No : 12781965

Filed : 18-May-2010

Attorney Docket No : 001025.00015

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed April 6,2011

The request is **APPROVED**.

The request was signed by Paul Rivard (registration no. 43446 ) on behalf of all attorneys/agents associated with Customer Number 22907 . All attorneys/agents associated with Customer Number 22907 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Joseph Iannicelli  
Name2  
Address 1 J.I. Enterprises, Inc.  
Address 2 3963 Darien Highway  
City Brunswick  
State GA  
Postal Code 31525  
Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MCKEE, VOORHEES & SEASE, P.L.C.  
801 GRAND AVENUE  
SUITE 3200  
DES MOINES IA 50309-2721

**MAILED**  
**JUN 15 2011**  
**OFFICE OF PETITIONS**

In re Application of	:
HARRIS et al.	:
Application No. 12/782,030	: DECISION ON PETITION
Filed: May 18, 2010	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. P07245US04	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 13, 2011, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed nonprovisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

In regards to item (1), CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application

number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/--, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. Here, the relationship of applications 12/345,259, 12/345,219 and 11/564,717 to this application, 12/782,030, are not stated. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Also, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Further, copendency does not exist between the present application serial no. 12/782,030 filed May 18, 2010, and application serial no. 12/345,219, filed December 29, 2008.

Under 35 U.S.C. 120, when a later-filed application is claiming the benefit of a prior-filed nonprovisional application, the later-filed application must be copending with the prior application or with an intermediate nonprovisional application similarly entitled to the benefit of the filing date of the prior application. Copendency is defined in the clause which requires that the later-filed application must be filed before: (A) the patenting of the prior application; (B) the abandonment of the prior application; or (C) the termination of proceedings in the prior application.

Here, application serial no. 12/345,219 was patented on May 11, 2010, before the filing date of present application serial no. 12/782,030 filed May 18, 2010.

Still further, it is noted that there are inconsistencies between the concurrently filed amendment and Application Data Sheet with respect to the benefit claim. For example, the amendment refers to application serial no. 12/345,259 and application serial no. 12/345,219 as divisional

applications of application serial no. 11/564,717, yet this is not in the Application Data Sheet. The Application Data Sheet and the amendment should properly set forth the benefit claim.

In regards to item (3), the rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition under 37 CFR § 1.78(a)(3) an Application Data Sheet or a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)), which states the relationship of the prior-filed application to this application, are required.


Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                     Customer Service Window  
                                    Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

By fax:                        (571) 273-8300  
                                    ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.

  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MCKEE, VOORHEES & SEASE, P.L.C.  
801 GRAND AVENUE  
SUITE 3200  
DES MOINES IA 50309-2721

MAILED  
AUG 16 2011  
OFFICE OF PETITIONS

In re Application of :  
HARRIS et al. :  
Application No. 12/782,030 : DECISION ON PETITION  
Filed: May 18, 2010 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No.: P07245US04 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 6, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petitions are **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.


**The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled**

to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1648 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

  
David Bucci  
Petitions Examiner  
Office of Petitions

**ATTACHMENT:** Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/782,030	05/18/2010	1648	1090	P07245US04	11	1

CONFIRMATION NO. 3872

CORRECTED FILING RECEIPT



22885  
MCKEE, VOORHEES & SEASE, P.L.C.  
801 GRAND AVENUE  
SUITE 3200  
DES MOINES, IA 50309-2721

Date Mailed: 08/16/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

**Applicant(s)**

DELBERT LINN HARRIS, AMES, IA;  
MATTHEW M. ERDMAN, AMES, IA;

**Assignment For Published Patent Application**

IOWA STATE UNIVERSITY RESEARCH FOUNDATION, INC., AMES, IA

**Power of Attorney:** The patent practitioners associated with Customer Number 22885

**Domestic Priority data as claimed by applicant**

This application is a CON of 12/345,259 12/29/2008 PAT 7,763,428  
which is a DIV of 11/564,717 11/29/2006 PAT 7,622,254  
which claims benefit of 60/740,519 11/29/2005

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 07/30/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/782,030**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

IDENTIFICATION OF PROTECTIVE ANTIGENIC DETERMINANTS OF PORCINE  
REPRODUCTIVE AND RESPIRATORY SYNDROME VIRUS AND USES THEREOF

**Preliminary Class**

435

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,042	05/18/2010	Naoki YAMAMOTO	1018987-000150	3896

21839	7590	06/23/2011
BUCHANAN, INGERSOLL & ROONEY PC		
POST OFFICE BOX 1404		
ALEXANDRIA, VA 22313-1404		

EXAMINER	
LEE, SUSAN SHUK YIN	

ART UNIT	PAPER NUMBER
2884	

NOTIFICATION DATE	DELIVERY MODE
06/23/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BUCHANAN, INGERSOLL & ROONEY PC**  
**POST OFFICE BOX 1404**  
**ALEXANDRIA VA 22313-1404**

**In re Application of**  
**YAMAMOTO et al.**  
**Application No.: 12/782,042**  
**Filed: 18 May 2010**  
**Attorney Docket No.: 1018987-000150**  
**For: FIXING DEVICE AND IMAGE**  
**FORMING APPARATUS**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 15 June 2011, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority then the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;

4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the “Decision to Grant a Patent” from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a “Notification of Reasons for Refusal” then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from a or b above is available via the Dossier Access System (DAS) applicant may request the USPTO obtain a copy from the DAS, however if the USPTO is unable to obtain a copy from the DAS the applicant will be required to submit a copy;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate (if the translation is not a machine translation provided by the JPO);
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

Conditions (1-2) and (4-6) above are considered to have been met. However, the request to participate in the PPH pilot program and petition fails meet condition (3).

Regarding the requirement of condition (3), applicant has failed to ensure that all the claims in the U.S. application sufficiently correspond to the allowable/patentable claims in the JPO application. For example, JP claim 1 requires the side wall of the second pressing part be provided near the upstream portion of the first pressing part “or elastically presses against the upstream portion” while US claim 1 does not reference “elastically presses against the upstream portion.” Additionally, US claim 1 requires the front-side of the first pressing part to press the pressure belt against the low friction sheet and the upstream end of the low friction sheet to be upstream from the other end of the low friction sheet but these limitations are not required by JP claim 1. Applicant is responsible for ensuring that all the US claims sufficiently correspond to the allowed/patentable JP claims.

Applicant is given **ONE** opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn. Response must be filed via the Electronic Filing System (EFS) using the document description: Petition to make special under Patent Pros Hwy. Any preliminary amendments and IDS

submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at 571-272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

A handwritten signature in black ink, appearing to read 'L. W. Young', with a stylized flourish extending from the end.

Lee W. Young  
TQAS Technology Center 2800



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,042	05/18/2010	Naoki YAMAMOTO	1018987-000150	3896
21839 7590 08/29/2011 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER LEE, SUSAN SHUK YIN	
			ART UNIT 2884	PAPER NUMBER
			NOTIFICATION DATE 08/29/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com  
offserv@bipc.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**BUCHANAN, INGERSOLL & ROONEY PC**  
**POST OFFICE BOX 1404**  
**ALEXANDRIA VA 22313-1404**

**AUG 29 2011**

**In re Application of**  
**YAMAMOTO et al.**

**Application No.: 12/782042**

**Filed: 18 May 2010**

**Attorney Docket No.: 1018987-000150**

**For: FIXING DEVICE AND IMAGE**  
**FORMING APPARATUS**

**: DECISION ON REQUEST TO**  
**: PARTICIPATE IN THE PATENT**  
**: PROSECUTION HIGHWAY**  
**: PROGRAM AND PETITION**  
**: TO MAKE SPECIAL UNDER**  
**: 37 CFR 1.102(a)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed 23 June 2011 and renewed on 20 July 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;

2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Colleen Dunn at 571-272-1170.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision once this application's formality reviews have been completed.

/Colleen Dunn/

Colleen Dunn  
Quality Assurance Specialist  
Technology Center 2800

## REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/782,053	Filing date:	18 May 2010
-----------------	------------	--------------	-------------

First Named Inventor:	Brent C. Teal
-----------------------	---------------

Title of the Invention:	INTERLOCKING GUIDE TRACKS FOR ELLIPTICAL BIKE AND METHOD OF USE
----------------------------	---

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/EFBS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2010/035281

**The international date of the corresponding PCT application(s) is/are:** 18 May 2010

### I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**



## REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO

Application No.:	12/782,053
First Named Inventor:	Brent C. Teal

- ☐ Is attached
- ☐ Has already been filed in the above-identified U.S. application on

- ☐ Are attached.
- ☐ Have already been filed in the above-identified U.S. application on

[illegible]

Signature	/Stephen C. Beuerle/	Date	December 20, 2010
Name (Print/Typed)	Stephen C. Beuerle	Registration Number	38,380

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant ( i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

BEUERLE STEPHEN C.

SUITE 2200 525 B STREET SAN DIEGO CA 92101 USA

**PCT****NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing  
(day/month/year) 03 DECEMBER 2010 (03.12.2010)

Applicant's or agent's file reference

1165751GTPCT

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.

**PCT/US2010/035281**International filing date  
(day/month/year)**18 MAY 2010 (18.05.2010)**

Applicant

**PT MOTION WORKS, INC. et al**

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70**For more detailed instructions, see PCT Applicant's Guide, International Phase, paragraphs 9.004 - 9.011.**

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:**  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4 Reminders**

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR



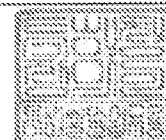
Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

COMMISSIONER

Telephone No. 82-42-481-8754



\* Attention.

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number

PW : **45ZBNR61**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 1165751GTPCT	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. <b>PCT/US2010/035281</b>	International filing date (day/month/year) <b>18 MAY 2010 (18.05.2010)</b>	(Earliest) Priority Date (day/month/year) 19 MAY 2009 (19.05.2009)
Applicant <b>PT MOTION WORKS, INC. et al</b>		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 1  
☒ as suggested by the applicant.  
☐ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.  
b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2010/035281****A. CLASSIFICATION OF SUBJECT MATTER***B62M 1/04(2006.01); B62M 3/08(2006.01); F16C 29/00(2006.01); B62M 1/00(2010.01); B62K 15/00(2006.01)*

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

*B62M 1/04; B62K 15/00; B62K 17/00; B62M 1/00*

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models  
Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eCOMPASS(KIPO internal) &amp; Keywords: bicycle, elliptical, standing, foot

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	CA 2670276-A1 (PT MOTION WORKS, LLC) 13 November 2007 See abstract and figures 1-14.	1-22
A	US 2007-0235974 A1 (JAYTER VARGAS) 11 October 2007 See abstract and figures 1-6B.	1-32
A	KR 10-2009-0043621 A (KIM J. K.) 07 May 2009 See abstract and figures 1-5.	1-32
A	KR 20-0418734 Y1 (LEE K. S.) 13 June 2006 See abstract and figures 1-4.	1-32

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

11 NOVEMBER 2010 (11.11.2010)

Date of mailing of the international search report

**03 DECEMBER 2010 (03.12.2010)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu,  
Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

WON, Yoo Cheol

Telephone No. 82-42-481-5969



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2010/035281**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
CA 2670278-A1	13.11.2007	AU 2007-322111 A1 AU 2007-322111 B2 CN 101557978 A EP 2086826 A1 US 2008-0116655 A1 US 2008-116655 A1 US 7717446 B2 WO 2008-063499 A1	29.05.2008 23.09.2010 14.10.2009 12.06.2009 22.06.2008 22.06.2008 18.05.2010 29.06.2008
US 2007-0235974 A1	11.10.2007	US 2007-235974 A1	11.10.2007
KR 10-2009-0043621 A	07.05.2009	None	
KR 20-0418734 Y1	13.06.2006	None	

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
BEUERLE STEPHEN C.  
  
SUITE 2300 525 B STREET SAN DIEGO CA 92101 USA

# PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **03 DECEMBER 2010 (03.12.2010)**

Applicant's or agent's file reference 1165751GTPCT		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. <b>PCT/US2010/035281</b>	International filing date (day/month/year) <b>18 MAY 2010 (18.05.2010)</b>	Priority date(day/month/year) 19 MAY 2009 (19.05.2009)	
International Patent Classification (IPC) or both national classification and IPC  <i>B62M 1/04(2006.01)I, B62M 3/08(2006.01)I, F16C 29/00(2006.01)I, B62M 1/09(2010.01)I, B62K 15/09(2006.01)I</i>			
Applicant <b>PT MOTION WORKS, INC. et al</b>			

1. This opinion contains indications relating to the following items:



- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.  
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

 <p>Name and mailing address of the ISA/KR Korean Intellectual Property Office Government Complex-Daejeon, 139 Seonsa-ro, Seo-gu, Daejeon 302 -791, Republic of Korea Facsimile No. 82-42-472-7140</p>	<p>Date of completion of this opinion 11 NOVEMBER 2010 (11.11.2010)</p>	<p>Authorized officer WON, Yoo Cheol  Telephone No. 82-42-481-5969</p>	
---	---	--	---



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

international application No.  
**PCT/US2010/035281**

**Box No. 1 Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
  - a. a sequence listing filed or furnished
    - ☐ on paper
    - ☐ in electronic form
  - b. time of filing or furnishing
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2010/035281**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-32	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-32	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-32	YES
	Claims	NONE	NO

**2. Citations and explanations :**

Reference is made to the following documents:

D1: CA 2670278-A1 (PT MOTION WORKS, LLC) 13 November 2007  
D2: US 2007-0235974 A1 (JAVIER VARGAS) 11 October 2007  
D3: KR 10-2006-0043621 A (KIM J. K.) 07 May 2006  
D4: KR 20-0418734 Y1 (LEE K. S.) 13 June 2006

**1. Novelty and Inventive step**

The subject matter of claims 1-16 is different from D1-D4 in that a pair of internal guide track systems is coupled to the frame, and each internal guide track system is operative to engage the front end of its respective foot link and to direct the front end along a reciprocating path of travel while providing retention to each foot link.

The subject matter of claims 17-22 is different from D1-D4 in that a pair of internal guide track systems is coupled to the frame, and each internal guide track system is operative to engage the front end of its respective foot link and to direct the front end along a reciprocating path of travel while providing retention to each foot link.

And it is not obvious to a person skilled in the art by the documents of D1-D4, taken alone or in combination. Therefore, claims 1-32 meet the requirements of PCT Article 33(2) and (3) with respect to the novelty and the inventive step.

**2. Industrial Applicability**

Claims 1-32 are industrially applicable under PCT Article 33(4).

**CLAIMS**

1. An apparatus, comprising:  
a frame with a pivot axis defined thereupon;  
a drive wheel coupled to the frame;  
a first and a second foot link operably coupled to drive wheel to transfer power to said drive wheel so as to propel the apparatus, each including a foot receiving portion for receiving an operator's foot, a front end, and a rear end;  
a pair of internal guide track systems coupled to the frame, each internal guide track system being operative to engage the front end of its respective foot link and to direct said front end along a reciprocating path of travel while providing retention to each foot link.
2. The apparatus of claim 1, wherein said internal guide track system contains at least one structure configured to influence the reciprocating path of each foot link.
3. The apparatus of claim 2, wherein said structure is removable from said internal guide track system.
4. The apparatus of claim 1, wherein said internal guide track system includes one or more lower guide tracks.
5. The apparatus of claim 4, wherein said one or more lower guide tracks are removable with respect to the internal guide track system.
6. The apparatus of claim 4, wherein the front end of each foot link includes one or more load wheels, and the one or more lower guide tracks support the one or more load wheels for reciprocating path movement thereon and laterally influence the reciprocating path of the one or more load wheels.
7. The apparatus of claim 4, wherein the one or more lower guide tracks are slidably removable with respect to the internal guide track system.
8. The apparatus of claim 1, wherein said internal guide track system includes one or more upper guide features.

9. The apparatus of claim 8, wherein said one or more respective upper guide features are removable with respect to the internal guide track system.
10. The apparatus of claim 8, wherein the front end of each foot link includes one or more load wheels, and the one or more upper guide features are positioned to vertically influence the reciprocating path of the one or more load wheels there under.
11. The apparatus of claim 8, wherein the one or more upper guide features are slidably removable with respect to the internal guide track system.
12. The apparatus of claim 1, wherein the internal guide track system includes a longitudinal length and a bottom center, and a debris collecting gutter that extends along the longitudinal length, along the bottom center.
13. The apparatus of claim 1, wherein the front end of each foot link includes one or more load wheels and the internal guide track system substantially encloses, contains, and protects the one or more load wheels from the environment.
14. The apparatus of claim 1, wherein the front end of each foot link includes a top, a bottom, and sides, and the internal guide track system retains the top, bottom, and sides of the front end of each foot link.
15. The apparatus of claim 14, wherein the internal guide track system vertically retains the top and the bottom of the front end of each foot link.
16. The apparatus of claim 14, wherein the internal guide track system laterally retains the sides of the front end of each foot link.
17. An apparatus, comprising:
  - a frame having a drive wheel rotatably supported thereupon, and a first pivot axis defined thereupon;
  - a first and a second foot link, each having a front end, a rear end, and a foot receiving portion defined thereupon;
  - a coupler assembly which is in mechanical communication with said pivot axis and with a rear end of each of said first and second foot links, said coupler assembly being operative to direct said rear ends of said foot links in an arcuate path of travel;

a pair of internal guide track systems coupled to the frame, each internal guide track system being operative to engage the front end of each foot link and to direct said front end along a reciprocating path of travel while providing retention to each foot link;

a power transfer linkage in mechanical communication with said coupler assembly and with said drive wheel; whereby when the rear end of one of said foot links travels in said arcuate path and the front end of that foot link travels in said reciprocal path, an operator's foot supported thereupon travels in a generally elliptical path of travel, and said power transfer linkage transfers power from said coupler assembly to said drive wheel, so as to supply propulsive power thereto.

18. The apparatus of claim 17, wherein said internal guide track system contains at least one structure configured to influence the reciprocating path of each foot link.

19. The apparatus of claim 18, wherein said structure is removable from said internal guide track system.

20. The apparatus of claim 17, wherein said internal guide track system includes one or more lower guide tracks.

21. The apparatus of claim 20, wherein said one or more lower guide tracks are removable with respect to the internal guide track system.

22. The apparatus of claim 20, wherein the front end of each foot link includes one or more load wheels, and the one or more lower guide tracks support the one or more load wheels for reciprocating path movement thereon and laterally influence the reciprocating path of the one or more load wheels.

23. The apparatus of claim 20, wherein the one or more lower guide tracks are slidably removable with respect to the internal guide track system.

24. The apparatus of claim 17, wherein said internal guide track system includes one or more upper guide features.

25. The apparatus of claim 24, wherein said one or more respective upper guide features are removable with respect to the internal guide track system.

26. The apparatus of claim 24, wherein the front end of each foot link includes one or more load wheels, and the one or more upper guide features are positioned to vertically influence the reciprocating path of the one or more load wheels there under.

27. The apparatus of claim 24, wherein the one or more upper guide features are slidably removable with respect to the internal guide track system.

28. The apparatus of claim 17, wherein the internal guide track system includes a longitudinal length and a bottom center, and a debris collecting gutter that extends along the longitudinal length, along the bottom center.

29. The apparatus of claim 17, wherein the front end of each foot link includes one or more load wheels and the internal guide track system substantially encloses, contains, and protects the one or more load wheels from the environment.

30. The apparatus of claim 17, wherein the front end of each foot link includes a top, a bottom, and sides, and the internal guide track system retains the top, bottom, and sides of the front end of each foot link.

31. The apparatus of claim 30, wherein the internal guide track system vertically retains the top and the bottom of the front end of each foot link.

32. The apparatus of claim 30, wherein the internal guide track system laterally retains the sides of the front end of each foot link.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,053	05/18/2010	Brent C. Teal	116575-11GTUTL	3910
27189 7590 02/24/2011 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 525 B STREET SUITE 2200 SAN DIEGO, CA 92101			EXAMINER POTTER, WESLEY A	
			ART UNIT 3611	PAPER NUMBER
			NOTIFICATION DATE 02/24/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com



FEB 23 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PROCOPIO, CORY, HARGREAVES & SAVITCH LLP  
525 B STREET  
SUITE 2200  
SAN DIEGO CA 92101

In re application of	:	<b>DECISION ON REQUEST TO</b>
Teal et al.	:	<b>PARTICIPATE IN PATENT</b>
Application No. 12/782,053	:	<b>PROSECUTION HIGHWAY</b>
Filed: May 18, 2010	:	<b>PROGRAM AND PETITION</b>
For: INTERLOCKING GUIDE TRACKS FOR	:	<b>TO MAKE SPECIAL UNDER</b>
ELLIPTICAL BIKE AND METHOD	:	<b>37 CFR 1.102(a)</b>
OF USE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed December 20, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications filed in the KIPO or USPTO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the PCT application(s) latest international work product (the written opinion or the IPER) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the PCT application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of the latest international work product from the PCT application containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
- (6) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.



In light of the petition being properly submitted via EFS-Web as is required, the request to participate in the PPH program complies with the above requirements, the above-identified application has been accorded "special" status.

All other inquiries concerning the examination or status of the application should be directed to the Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision as soon as any pre-exam processing has been completed.

Any inquiry regarding this decision should be directed to Mikado Buiz, Quality Assurance Specialist, at (571) 272-6578.

/ Mikado Buiz /

Mikado Buiz,  
Quality Assurance Specialist  
Technology Center 3600

MB/MB: 02/23/11



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,135	05/18/2010	Benjamin Englander	003033/0008	4051
26610 7590 10/31/2011 STROOCK & STROOCK & LAVAN LLP 180 MAIDEN LANE NEW YORK, NY 10038			EXAMINER SHAFFER, RICKY D	
			ART UNIT 2872	PAPER NUMBER
			MAIL DATE 10/31/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

STROOCK & STROOCK & LAVAN LLP  
180 MAIDEN LANE  
NEW YORK, NY 10038

*In re* Application of Benjamin Englander  
Appl. No.: 12/782,135  
Filed: May 18, 2010  
Attorney Docket No.: 003033/0008  
For: MIRROR MOUNTING ASSEMBLY

DECISION ON PETITION  
UNDER 37 C.F.R. § 1.59

This is a response to the petition under 37 CFR 1.59(b), filed September 23, 2011, to expunge information from the above identified application as it is subject to a protective order.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte* Quayle action or a Notice of Abandonment, at which time the petition will be decided.

The decision on the petition is held in abeyance because prosecution on the merits has not completed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

Any inquiry regarding this decision should be directed to Hien H. Phan, Quality Assurance Specialist, at (571) 272-1606.

Joseph Thomas, TC Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64a U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING UNDER 37 CFR 1.137(f)</b>	
Application Number	12782227	
Filing Date	18-May-2010	
First Named Inventor	Colm MacCarthaigh	
Art Unit	2432	
Examiner Name	GILBERTO BARRON JR	
Attorney Docket Number	170103-1650	
Title	Validating Updates to Domain Name System Records	
<p>The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).</p> <p>PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b).</p> <p>A grantable petition requires the following items:  (1) Petition fee;  (2) Reply;  (3) Statement that the entire delay was unintentional.</p>		
<p>Petition fee  The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))  Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the subsequently filed foreign or international application is 04-29-2011</p> <p><input checked="" type="checkbox"/> The non-publication request has been filed on 18-May-2010</p>		

☒ STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Michael J. D'Aurelio/
Name	Michael J. D'Aurelio
Registration Number	40977



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date: October 7, 2011

In re Application of:

### DECISION ON PETITION

Colm MacCarthaigh

Application No: 12782227

Filed: 18-May-2010

Attorney Docket No: 170103-1650

This is an electronic decision on the petition, filed October 7, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on

04-29-2011

However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date will be viewable in Private PAIR within one (1) business day.

This application file is being directed to the Office of Data Management.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MICHAEL BEST & FRIEDRICH LLP (MKE)  
100 E WISCONSIN AVENUE  
SUITE 3300  
MILWAUKEE WI 53202

**MAILED**

FEB 17 2012

**OFFICE OF PETITIONS**

In re Patent No. 8,071,524	:	
Issued: December 6, 2011	:	
Application No. 12/782,254	:	ON PETITION
Filed: May 18, 2010	:	
Attorney Docket No.: 028856-9003-US02	:	

This is a decision regarding your request for acceptance of a fee deficiency submission and loss of small entity status filed January 27, 2012, which is being treated under 37 CFR 1.28.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28( c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission in the amount of \$870.00 under 37 CFR 1.28 has been applied and is hereby accepted. The petition is therefore **GRANTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3282.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**ABSOLUTE TECHNOLOGY LAW GROUP LLC**  
**3316 W. Wisconsin Avenue**  
**MILWAUKEE WI 53208**

**MAILED**

**FEB 28 2011**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
R. Raymond May	:	
Application No. 12/782,276	:	<b>DECISION ON PETITION</b>
Filed: May 18, 2010	:	<b>TO WITHDRAW</b>
Attorney Docket No. 038866/389580	:	<b>FROM RECORD</b>
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 14, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE NC 28280-4000**

**MAILED**

**MAR 14 2011**

In re Application of	:	
R. Raymond May	:	<b>OFFICE OF PETITIONS</b>
Application No. 12/782,276	:	<b>DECISION ON PETITION</b>
Filed: May 18, 2010	:	<b>TO WITHDRAW</b>
Attorney Docket No. 038866/389580	:	<b>FROM RECORD</b>
	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 1, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Christopher J. Gegg on behalf of all attorneys/agents associated with customer number 00826. All attorneys/agents associated with customer number 00826 have been withdrawn.

All future correspondence will be directed to the address of record, which is the first copied address below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet  
Petitions Examiner  
Office of Petitions

cc: Blackbird Holdings, Inc.  
c/o Mr. Wayne Sigmon, Trustee  
112 South Tryon Street  
Charlotte, NC 28284



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/782,276	05/18/2010	R. Raymond May	038866/389580

**CONFIRMATION NO. 4320**

**POWER OF ATTORNEY NOTICE**



826  
ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

Date Mailed: 03/14/2011

**NOTICE REGARDING CHANGE OF POWER OF ATTORNEY**

This is in response to the Power of Attorney filed 03/01/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,284	05/18/2010	Jiro Kishimoto	23757-0009002	4331
26161 7590 10/25/2010 FISH & RICHARDSON P.C. (BO) P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
ART UNIT PAPER NUMBER				
1651				
NOTIFICATION DATE DELIVERY MODE				
10/25/2010 ELECTRONIC				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

FISH & RICHARDSON P.C. (BO)  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022

OCT 25 2010

In re Application of	:	
KISHIMOTO, JIRO et. al.	:	DECISION ON REQUEST TO
Application No. 12/782,284	:	PARTICIPATE IN PATENT
Filed: May 18, 2010	:	PROSECUTION HIGHWAY
Attorney Docket No. 23757-0009002	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed June 30, 2010, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

A handwritten signature in black ink, appearing to read 'mshukla', with a long horizontal flourish extending to the right.

Ram R. Shukla, Ph.D.  
Supervisory Patent Examiner  
TC 1600

Doc Code: PET.GREEN

Document Description: Petition for Green Tech Pilot

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0851-0062  
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: 09-13

Application Number  
(if known): 12/782,346

Filing date: May 18, 2010

First Named  
Inventor: Silva Ariypadi

Title: Gasification System And Process For Maximizing Production Of Syngas And Syngas-Derived Products

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: (I) Supplement To Petition To Make Special

Signature /Matthew Maliel/

Date May 17, 2011

Name Matthew Maliel  
(Print/Typed)

Registration Number 58116

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☒ \*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for**  
**Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,346	05/18/2010	Siva Ariyapadi	09-13US	4466
32583 7590 05/26/2011 KELLOGG BROWN & ROOT LLC ATTN: Christian Heausler 601 Jefferson Street KT37 HOUSTON, TX 77002			EXAMINER	
			ART UNIT	PAPER NUMBER
			1736	
			NOTIFICATION DATE	DELIVERY MODE
			05/26/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPLegal@kbr.com  
valerie.driver@kbr.com  
patsi.davis@kbr.com

Best Available Copy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

KELLOGG BROWN & ROOT LLC  
ATTN: Christian Heausler  
601 Jefferson Street  
KT37  
HOUSTON TX 77002

MAY 26 2011

In re Application of	:	
Ariyapadi et al.	:	
Application No. 12/782,346	:	DECISION ON PETITION
Filed: 5/18/2010	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 09-13US	:	THE GREEN TECHNOLOGY
	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 5/17/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a

request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).

The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquiries concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1736 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,385	05/18/2010	Masayuki NIBE	0033-1317PUS1	4554
7590 05/18/2011 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER OWENS, DOUGLAS W	
			ART UNIT 2821	PAPER NUMBER
			NOTIFICATION DATE 05/18/2011	DELIVERY MODE ELECTRONIC

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

*Mimi Tarmes*  
Patent Publication Branch  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Peter J. Gluck  
c/o The Eclipse Group  
Suite 150  
1920 Main Street  
Irvine CA 92614

**MAILED**

**MAR 28 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Nima Ostad et al.	:	DECISION ON PETITION
Application No. 12/782,481	:	TO WITHDRAW
Filed: May 18, 2010	:	FROM RECORD
Attorney Docket No. 38124-11000	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed February 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

A courtesy copy of this decision is being mailed to the address on the request. However, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: Marlan D. Walker  
2050 Main Street, Suite 600  
Irvine, CA 92614



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

MASAO YOSHIMURA  
333 W. EL CAMINO REAL, SUITE 380  
SUNNYVALE CA 94087

**MAILED**

**AUG 05 2010**

In re Application of	:	OFFICE OF PETITIONS
Oyamada, et al.	:	
Application No. 12/782,487	:	DECISION ON PETITION
Filed: 18 May, 2010	:	
Attorney Docket No. 86269.SH-0137US	:	

This is a decision on the petition filed on 23 June, 2010, requesting a the withdrawal/vacation of the Notice of Informal Application mailed on 11 June, 2010, and considered pursuant to 37 C.F.R §1.182 in light of the regulations at 37 C.F.R §1.63 and §1.76, and the guidance provided in the Commentary at MPEP §605.02.

**NOTE:**

Petitioner may wish to ensure that he has supplemented his petition of 23 June, 2010, to his satisfaction.

If Petitioner finds that he may not have replied completely to the 11 June, 2010, Notice, Petitioner may wish to do so at his earliest opportunity, and Petitioner is reminded that a proper reply submitted on or before expiration of the statutory period may require a request and fee for extension of time to make timely that reply.

Petitioners always are cautioned to reply to an Office action, even should Petitioners consider the Office action to have been mailed in error.

All practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>1</sup>) and the proper authority for action or inaction on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP).

<sup>1</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The petition considered pursuant to 37 C.F.R §1.182 is **GRANTED in part** to the extent discussed below and **DISMISSED in part** in all other respects.

### BACKGROUND

In the petition filed on 23 June, 2010, Petitioner Masao Yoshimura (Reg. No. 52,526) averred that:

- The Notice of Informal Application of 11 June, 2010, was not proper for having indicated that the residence information as to the inventors herein was not provided;
- The residence information as to the co-inventors herein was set forth in the Application Data Sheet (ADS) included at deposit of the application, consistent with the requirements of the regulations at 37 C.F.R §1.63 and §1.76, and with the guidance provided in the Commentary at MPEP §605.02.

### ANALYSIS

The guidance in the Commentary at MPEP ' 605.02 provides in pertinent part:

#### **605.02 Applicant's Residence [R-7]**

Applicant's place of residence, that is, the city and either state or foreign country, is required to be included in the oath or declaration in a nonprovisional application for compliance with 37 C.F.R. ' 1.63 unless it is included in an application data sheet (37 C.F.R. ' 1.76). In the case of an applicant who is in one of the U.S. Armed Services, a statement to that effect is sufficient as to residence. For change of residence, see MPEP §719.02(b). Applicant's residence must be included on the cover sheet for a provisional application unless it is included in an application data sheet (37 C.F.R. ' 1.76).

If the residence is not included in the executed oath or declaration filed under 37 C.F.R. ' 1.63, the Office of ~~\*\*>~~Patent Application Processing (OPAP)< will normally so indicate on a "Notice of Informal Application," so as to require the submission of the residence information within a set period for reply. If the examiner notes that the residence has not been included in the oath or declaration or in an application data sheet, form paragraphs 6.05 (reproduced in MPEP §605.01) and 6.05.02 should be used. (Emphasis supplied.)

A review of the papers submitted on deposit of the instant application indicates that while the residences of the co-inventors are not set forth in the oath/declaration, those residences in fact are specified in the ADS submitted contemporaneously on deposit of the application.



CONCLUSION

Accordingly, the petition considered pursuant to 37 C.F.R §1.182:

- Is **granted** to the extent that the 11 June Notice of Informal Application is withdrawn and vacated as to the statement that Petitioner/Applicants failed to set forth the residence information of the Applicants as required pursuant to the regulations at 37 C.F.R §1.63 and §1.76;
- In all other respects the petition is **dismissed**.

The fee is waived and no fee has been charged.

The application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:  
**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

ALLERGAN, INC.  
2525 DUPONT DRIVE, T2-7H  
IRVINE, CA 92612-1599

**MAILED**  
**AUG 05 2011**  
**OFFICE OF PETITIONS**

Applicant: Pierre Lebreton  
Appl. No.: 12/782,488  
Filing Date: May 18, 2010  
Title: CROSS-LINKING OF LOW-MOLECULAR WEIGHT AND HIGH-MOLECULAR WEIGHT POLYSACCHARIDES, PREPARATION OF INJECTABLE MONOPHASE HYDROGELS, POLYSACCHARIDES AND HYDROGELS OBTAINED  
Attorney Docket No.: 18252DIVI (COR)  
Pub. No.: US 2010/0226988 A1  
Pub. Date: September 9, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 12, 2010, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in the specification.

The request is DISMISSED.

37 CFR 1.221 (b) is applicable “only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable.” A material mistake must affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The typographical errors in the specification are not material Office errors in accordance with 37 CFR 1.221(b). The application is a divisional of 10/552,309, thus the text is correctly printed in the parent application. These errors therefore do not affect the public’s ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Peter J. Gluck  
c/o The Eclipse Group  
Suite 150  
1920 Main Street  
Irvine CA 92614

**MAILED**

**MAR 28 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
Rober William Bohn et al.	:	DECISION ON PETITION
Application No. 12/782,504	:	TO WITHDRAW
Filed: July 14, 2008	:	FROM RECORD
Attorney Docket No. 38124-10101	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed February 15, 2011.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks the name of the first inventor or the assignee of record that is associated with the address listed in the request. Therefore, the change of correspondence address is considered improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

A courtesy copy of this decision is being mailed to the address on the request. However, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions

cc: Marlan D. Walker  
2050 Main Street, Suite 600  
Irvine, CA 92614



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAIL**

CALLAWAY GOLF COMPANY  
2180 RUTHERFORD ROAD  
CARLSBAD CA 92008-7328

AUG 27 2010  
DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600

In re Application of:

BALARDETA, JOSEPH, et al.

Serial No.: 12/782,516

Filed: May 18, 2010

DECISION ON PETITION TO  
MAKE SPECIAL FOR NEW  
APPLICATION UNDER 37  
C.F.R. § 1.102 & M.P.E.P. §  
708.02

Title: **CIRCUIT FOR TRANSMITTING A  
RFID SIGNAL**

The petition to make the application special filed May 18, 2010, 2010 is **GRANTED**.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.
3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not

file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Ken Wieder, Quality Assurance Specialist, at (571) 272-2986.



Kenneth A. Wieder  
Quality Assurance Specialist  
Technology Center 2600  
Communications





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,522	05/18/2010	Tomoaki Arimura	6639P946	4830

8791	7590	05/16/2011
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP		
1279 OAKMEAD PARKWAY		
SUNNYVALE, CA 94085-4040		

EXAMINER	
CHAN, HENG M	

ART UNIT	PAPER NUMBER
1728	

MAIL DATE	DELIVERY MODE
05/16/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CST

May 16, 2011

In re application of	:	DECISION ON REQUEST TO
Tomoaki Arimura	:	PARTICIPATE IN PATENT
Serial No. 12/782,522	:	PROSECUTION HIGHWAY
Filed: May 18, 2010	:	PROGRAM AND
For: DIRECT METHANOL	:	PETITION TO MAKE SPECIAL
FUEL CELL	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program filed March 22, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

Application No. 12/782,522

- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
- a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
    - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form:  
Further, if a copy of the documents from a or b is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and
  - c. A statement that the English translation is accurate; and
- (6) Applicant must submit:
- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Christine Tierney, Quality Assurance Specialist, at (571) 272-1055.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Christine Tierney/

---

Christine Tierney  
Quality Assurance Specialist  
Technology Center 1700

**Doc Code: PET.GREEN**

**Document Description: Petition for Green Tech Pilot**

PTO/SB/420 (11-10)

Approved for use through 01/31/2011. OMB 0651-0062

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PETITION TO MAKE SPECIAL UNDER THE GREEN TECHNOLOGY PILOT PROGRAM

Attorney Docket  
Number: BSST.048A

Application Number  
(if known): 12/782,532

Filing date: May 18, 2010

First Named  
Inventor: Lon E. Bell

Title: BATTERY THERMAL MANAGEMENT SYSTEM

**APPLICANT HEREBY REQUESTS TO PARTICIPATE IN THE GREEN TECHNOLOGY PILOT PROGRAM FOR THE ABOVE-IDENTIFIED APPLICATION. See Instruction Sheet on page 2.**

This petition must be timely filed electronically using the USPTO electronic filing system, EFS-Web.

1. By filing this petition:

**Applicant is requesting early publication: Applicant hereby requests early publication under 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d) accompanies this request.**

2. By filing this petition: applicant is agreeing to make an election without traverse in a telephonic interview and elect an invention that meets the eligibility requirements for the Green Technology Pilot Program, if the Office determines that the claims are not obviously directed to a single invention. See Instruction Sheet.

3. This request is accompanied by statements of special status for the eligibility requirement.

4. The application contains no more than three (3) independent claims and twenty (20) total claims.

5. The application does not contain any multiple dependent claims.

6. Other attachments: \_\_\_\_\_

Signature /Todd D. Reynolds/

Date March 7, 2011

Name  
(Print/Typed) Todd D. Reynolds

Registration Number 63,980

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for  
Petition to Make Special Under the Green Technology Pilot Program**  
(Not to be Submitted to the USPTO)

**The following is a summary of the requirements (for more information see the notices (i) "Pilot Program for Green Technologies Including Greenhouse Gas Reduction," (ii) "Elimination of Classification Requirement in the Green Technology Pilot Program," and (iii) "Expansion and Extension of the Green Technology Pilot Program," available on the USPTO web site at [http://www.uspto.gov/patents/init\\_events/green\\_tech.jsp](http://www.uspto.gov/patents/init_events/green_tech.jsp)):**

- 1) The application must be a non-reissue, non-provisional utility application filed under 35 U.S.C. 111 (a), or an international application that has entered the national stage in compliance with 35 U.S.C. 371, irrespective of the filing date of the application. Reexamination proceedings are excluded from this pilot program.
- 2) The application must contain three or fewer independent claims and twenty or fewer total claims. The application must not contain any multiple dependent claims. For an application that contains more than three independent claims or twenty total claims, or multiple dependent claims, applicant must file a preliminary amendment in compliance with 37 CFR 1.121 to cancel the excess claims and/or the multiple dependent claims at the time the petition to make special is filed.
- 3) The claims must be directed to a single invention that materially enhances the quality of the environment, or that materially contributes to: (1) the discovery or development of renewable energy resources; (2) the more efficient utilization and conservation of energy resources; or (3) green house gas emission reduction (see the eligibility requirements of sections II and III of the notice (i) cited above). The petition must include a statement that, if the USPTO determines that the claims are directed to multiple inventions (e.g., in a restriction requirement), applicant will agree to make an election without traverse in a telephonic interview, and elect an invention that meets the eligibility requirements in section II or III of the notice (i) cited above.
- 4) The petition to make special must be timely filed electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of "Petition for Green Tech Pilot" on the EFS-Web screen. Applicant should use form PTO/SB/420, which is available as a Portable Document Format (PDF) fillable form in EFS-Web and on the USPTO Web site.
- 5) The petition to make special must be filed at least one day prior to the date that a first Office action (which may be an Office action containing only a restriction requirement) appears in the Patent Application Information Retrieval (PAIR) system. Applicant may check the status of the application using PAIR.
- 6) The petition to make special must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and the publication fee set forth in 37 CFR 1.18(d).

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,532	05/18/2010	Lon E. Bell	BSST.048A	4849
20995 7590 03/28/2011 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER CULLEN, SEAN P	
			ART UNIT 1725	PAPER NUMBER
			NOTIFICATION DATE 03/28/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
efiling@kmob.com  
eOAPilot@kmob.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE CA 92614

3/28/2011

In re Application of	:	
Bell et al.	:	DECISION ON PETITION
Application No. 12/782,532	:	TO MAKE SPECIAL UNDER
Filed: 5/18/2010	:	THE GREEN TECHNOLOGY
Attorney Docket No. BSST.048A	:	PILOT PROGRAM

This is a decision on the petition under 37 CFR 1.102, filed 3/7/2011, to make the above-identified application special under the pilot program for applications pertaining to Green Technologies as set forth in 74 Federal Register Notice 64666 (December 8, 2009) and amended by 75 Federal Register Notice 28554 (May 21, 2010) and 75 Federal Register Notice 69049 (November 10, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 64666 must be directed to a nonprovisional application filed under 35 USC 111(a) or be a national stage entry under 35 USC 371, exclusive of any reissue applications.

In order to qualify for special status, the following requirements must be met. 1) The application must have no more than 3 independent claims and no more than 20 total claims. 2) The application must not contain any multiple dependent claims. 3) The petition must state the basis for seeking special status, i.e., the claimed invention either: A) materially enhances the quality of the environment or B) materially contributes to: i) the discovery or development of renewable energy resources, ii) the more efficient utilization and conservation of energy resources, or iii) greenhouse gas emission reduction. 4) If the disclosure is not clear on its face that the claimed invention materially contributes under category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. 5) A statement that applicant will agree to make an election without traverse in a telephonic interview if a restriction requirement is made by the examiner. 6) The petition to make special must be filed electronically. 7) The petition must be filed at least one day prior to the date that a first Office Action appears in the Patent Application Information Retrieval (PAIR) system. 8) The petition must be accompanied by a request for early publication in compliance with 37 CFR 1.219 and include the publication fee as set forth in 37 CFR 1.18(d).



The requirement for a fee for consideration of the petition to make special for applications pertaining to Green Technologies has been waived.

The instant petition complies with items 1 – 8 above. Accordingly, the above-identified application has been accorded “special” status.

Telephone inquires concerning this decision should be directed to Tom Dunn at 571-272-1171.

The application is being forwarded to the Technology Center Art Unit 1725 for action on the merits commensurate with this decision.

/Tom Dunn/

---

Tom Dunn  
Quality Assurance Specialist  
Technology Center 1700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CALLAWAY GOLF COMPANY  
2180 RUTHERFORD ROAD  
CARLSBAD CA 92008-7328

MAILED AUG 30 2010

In re Application of: Balardeta et al.  
Application No.: 12/782544  
Filed: May 18, 2010  
Title: Device for Shot Tracking

: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02

This is a decision on the petition filed on May 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;
2. include a statement that applicant agrees not to separately argue the patentability of any independent claim during any appeal in the application;
3. include a statement that applicant agrees to make an election without traverse in a telephone interview.
4. include a statement that applicant agrees to conduct such an interview when requested by the examiner.

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable interpretation;

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document.

An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 U.S.C. 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 U.S.C. 112, first paragraph, in each such application in which such supports exists;

6.6. an identification of any cited references that may be disqualified under 35 U.S.C. 103(c).

## REVIEW OF FACTS

The conditions I:1-4, II: 1-5, 5.3, 6, and 6.1-6.6 above are considered to have been met. However, the petition fails to comply with conditions II: 5.1, and 5.2 above. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

## Discussion

When referring to "the petition" hereinbelow, the received papers under consideration include the PTO/SB/28 form, the "pre-examination search document" including pages 1-7; the "accelerated examination support document" comprising pages 1-28, and an Information Disclosure Statement including form PTO/SB/08A.

Regarding the requirements of section II element 5.1 and 5.2 outlined above, it appears the search outlined in the petition omitted a critical search area by not searching in class 473, subclasses 131, 150-153, 164, 202, 219-223, 231-233, 283, 415, 405-407, 459, 447; class 463, subclasses 1, 5, 16-17, 20, 25-26, 29, 36-37, and 42-44.

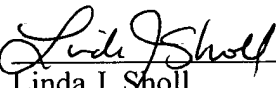
### DECISION

For the above-stated reasons, the petition is **dismissed**. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, (no extension of time under 37 CFR 1.136(a)) from the date of this decision in order to be considered timely. Any request for reconsideration must address all of the deficiencies indicated above.

Petitioner is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiry regarding this decision should be directed to Linda J. Sholl, TC 3700 Special Programs Examiner, at (571) 272-4391.

  
\_\_\_\_\_  
Linda J. Sholl  
Special Programs Examiner  
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MAILED SEP 23 2010

CALLAWAY GOLF COMPANY  
2180 RUTHERFORD ROAD  
CARLSBAD CA 92008-7328

In re Application of: Balardeta et al.

Application No.: 12/782544

Filed: May 18, 2010

Title: Device for Shot Tracking

:  
:  
: DECISION ON PETITION TO  
: MAKE SPECIAL FOR NEW  
: APPLICATION UNDER 37  
: C.F.R. § 1.102 & M.P.E.P. §  
: 708.02  
:

This is a decision on the renewed petition filed on September 16, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

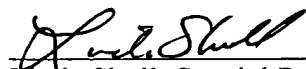
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Linda Sholl, Special Programs Examiner, at (571) 272-4391



---

Linda Sholl, Special Programs Examiner  
Technology Center 3700



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : October 26,2011

In re Application of :

Ian Forster

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 12782554

Filed : 18-May-2010

Attorney Docket No : 134669

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed October 26,2011 , to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.**

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 3729 for processing of the request for continuing examination under 37 CFR 1.114 .

Office of Petitions



Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)</b>	
Application Number	12782554	
Filing Date	18-May-2010	
First Named Inventor	Ian Forster	
Art Unit	3729	
Examiner Name	TAI NGUYEN	
Attorney Docket Number	134669	
Title	APPARATUS FOR FORMING A WIRELESS COMMUNICATION DEVICE	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/David P. Sheldon/
Name	David P. Sheldon
Registration Number	62494



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MILES & STOCKBRIDGE PC**  
**1751 PINNACLE DRIVE**  
**SUITE 500**  
**MCLEAN VA 22102-3833**

**MAILED**  
**SEP 27 2011**  
**OFFICE OF PETITIONS**

In re Application of  
Kenneth Everett Buckler et al.  
Application No. 12/782,557  
Filed: May 18, 2010  
Attorney Docket No. T4342-14123US02

:  
:  
:  
:  
:

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed September 14, 2011, to change the order of the name of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Kenneth Everett Buckler
2. David Farias de Souza
3. Jeffrey H. Burbank
4. James M. Brugger
5. William Weigel

Our records have been updated and a corrected Filing Receipt, which sets forth the changes as requested. A copy will be attached to this decision.

This application is being forwarded to Office of Publications.

Telephone inquiries regarding this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/  
Carl Friedman  
Petitions Examiner  
Office of Petitions



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/782,557	05/18/2010	3679	1610	T4342-14123US02	19	4

CONFIRMATION NO. 4904

## CORRECTED FILING RECEIPT



\*OC000000049937516\*

181  
MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE  
SUITE 500  
MCLEAN, VA 22102-3833

Date Mailed: 09/21/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

### Applicant(s)

Kenneth Everett Buckler, Methuen, MA;  
David Farias De Souza, Essex, MA;  
Jeffrey H. Burbank, Boxford, MA;  
James M. Brugger, Newburyport, MA;  
William Weigel, York, ME;

### Assignment For Published Patent Application

NxStage Medical, Inc., Lawrence, MA

**Power of Attorney:** The patent practitioners associated with Customer Number 000181

### Domestic Priority data as claimed by applicant

This application is a CON of 11/951,142 12/05/2007 PAT 7,758,082  
which claims benefit of 60/868,623 12/05/2006

**Foreign Applications** (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

**If Required, Foreign Filing License Granted:** 05/27/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/782,557**

**Projected Publication Date:** Not Applicable

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

FLUID LINE CONNECTOR SAFETY DEVICE

**Preliminary Class**

285

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER****Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,608	05/18/2010	Steven S. NASIRI	IVS126CIP-C/4817CIP-C	4992
29141	7590	08/06/2010		
Sawyer Law Group, P.C. P.O. Box 51418 Palo Alto, CA 94303			EXAMINER LABALLE, CLAYTON E	
			ART UNIT	PAPER NUMBER
			2862	
			NOTIFICATION DATE	DELIVERY MODE
			08/06/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@sawyerlawgroup.com





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Sawyer Law Group, P.C.  
P.O. Box 51418  
Palo Alto CA 94303

In re Application of:	:	
NASIRI, Steven S. et al.	:	DECISION ON PETITION TO
Serial No.: 12/782,608	:	MAKE SPECIAL FOR NEW
Filed: May 18, 2010	:	APPLICATION UNDER 37
Title: MOTION SENSING AND PROCESSING	:	C.F.R. § 1.102 & M.P.E.P. § 708.2
ON MOBILE DEVICES	:	

This is a decision on the petition filed on May 18, 2010 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DISMISSED**.

#### REGULATION AND PRACTICE

A grantable petition to make special under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), must satisfy the following conditions:

##### I. Conditions Regarding the Application:

1. the application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. the application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours.
3. at the time of filing, the application must be complete under 37 CFR 1.51 and in condition for examination;
4. the application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

##### II. Conditions Regarding the Petition:

The petition must:

1. be filed with the application;

2. include a statement that applicant agrees not to separately argue the patentability of any dependent claim during any appeal in the application;

3. include a statement that applicant agrees to make an election without traverse in a telephone interview;

4. include a statement that applicant agrees to conduct such an interview when requested by the examiner; and

5. include a statement, made based on a good faith belief, that a preexamination search in compliance with the following requirements, was conducted, including an identification of the field of search by United States class and subclass, where applicable, and for database searches, the search logic or chemical structure or sequence used as a query, the name of the file(s) searched and the database service, and the date of the search.

The preexamination search must:

5.1 involve U.S. patents and patent application publications, foreign patent documents, and non-patent literature, unless the applicant can justify with reasonable certainty that no references more pertinent than those already identified are likely to be found in the eliminated sources and includes such a justification with this statement;

5.2. be directed to the claimed invention and encompass all of the features of the claims, giving the claims the broadest reasonable expectation; and

5.3. encompass the disclosed features that may be claimed.

6. must provide in support of the petition an accelerated examination support document. An accelerated examination support document must include:

6.1. an information disclosure statement (IDS) in compliance with 37 CFR 1.98 citing each reference deemed most closely related to the subject matter of each of the claims;

6.2. an identification of all the limitations in the claims that are disclosed by the reference specifying where the limitation is disclosed in the cited reference;

6.3. a detailed explanation of how each of the claims are patentable over the references cited with particularity required by 37 CFR 1.111(b) and (c);

6.4. a concise statement of the utility of the invention as defined in each of the independent claims (unless the application is a design application);

6.5. a showing of where each limitation of the claims finds support under 35 USC 112, first paragraph, in the written description of the specification. If applicable, the showing must also identify: (1) each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; and (2) the structure, material, or acts in the specification that corresponds to each means- (or step) plus-function claim element that invokes consideration under 35 USC 112, sixth paragraph; if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists; and

6.6. an identification of any cited references that may be disqualified under 35 USC 103(c).

## REVIEW OF FACTS

The conditions regarding the application (section I, subsections 1-4) discussed above are considered to have been met. Additionally, the conditions regarding the petition (section II, subsections 1-4) are considered to have been met. However, the petition fails to comply with the all the conditions set forth in section II, subsections 5 and 6. Therefore, the petition fails to meet the required conditions to be accorded special status under the accelerated examination procedure.

Regarding the requirements of section II, subsection 5.1, it appears the search outlined in the petition omitted critical search areas by not searching in class 348 subclasses 208.2 and 208.4, class 73 subclasses 170.11, 504.12 and 514.01 at a minimum to include motion devices in cameras, velocity determinations, acceleration determinations and vibratory mass. Any renewed petition should include the above outlined additional searching.

Regarding the requirements of section II, subsection 6.5, the petition is required to provide a showing of where *each limitation* (italics added) of the claims finds support under 35 USC 112, first paragraph in the *written description* (italics added) of the specification. While the examination support document provides a showing for the current application, as set forth in item 6.5 on page 2 of this decision, "if the application claims the benefit of one or more applications under title 35, United States Code, the showing must also include where each limitation of the claims finds support under 35 USC 112, first paragraph, in each such application in which such supports exists." The current application claims the benefit of a parent application under title 35, United States Code 120 to US patent application 12/485,823, 12/398,156, 11/649,936, 11/766,776, 11/774,488, 11/953,762, 12/026,493, 12/106,921, 12/117,264, 12/210,045, 12/236,757, 12/252,322 and benefit to two provisional applications under United States Code 119, as noted on page 1 of the specification, but the examination support document fails to provide a showing of support in each application. For these reasons, the petition does not meet the requirement of section II, subsection 6.5.

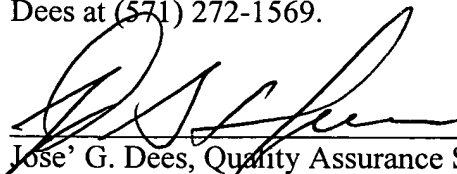
## DECISION

For the above-stated reasons, the petition is dismissed. The application will therefore be taken up by the examiner for action in its regular turn.

Petitioner is given a single opportunity to perfect the petition. Any request for reconsideration of this decision must be submitted within 1 (one) month or 30 (thirty) days, whichever is longer, from the date of this decision in order to be considered timely. Any request for reconsideration must address the deficiencies indicated above.

Petition is reminded that, upon granting of the special status of the application on request for reconsideration, the application will be processed expeditiously. However, due to the dismissal of the instant petition, examination may not be completed within twelve months of the filing date of the application.

Any inquiries regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.

A handwritten signature in black ink, appearing to read 'Jose' G. Dees', is written over a horizontal line.

Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,608	05/18/2010	Steven S. NASIRI	IVS126CIP-C/4817CIP-C	4992

29141	7590	11/30/2010
Sawyer Law Group, P.C. P.O. Box 51418 Palo Alto, CA 94303		

EXAMINER	
SMITH, LINDA B	

ART UNIT	PAPER NUMBER
2862	

NOTIFICATION DATE	DELIVERY MODE
11/30/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@sawyerlawgroup.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Sawyer Law Group, P.C.  
P.O. Box 51418  
Palo Alto CA 94303

In re Application of:	:	
NASIRI et al.	:	
Serial No.: 12/782,608	:	
Filed: May 18, 2010	:	DECISION ON PETITION TO
Title: MOTION SENSING AND PROCESSING	:	MAKE SPECIAL FOR NEW
ON MOBILE DEVICES	:	APPLICATION UNDER 37
	:	C.F.R. § 1.102 & M.P.E.P. §
	:	708.02

This is a decision on the request for reconsideration of the petition to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d) filed September 7, 2010. The petition to make special under 37 C.F.R. § 1.102(d) was dismissed on August 6, 2010.

The petition to make the application special is GRANTED.

The application is eligible for accelerated examination and the petition complies with the conditions for granting the application special status pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published June 26, 2006, in the Federal Register. (71 Fed. Reg. 36323).

The prosecution of the instant application will be conducted expeditiously according to the following guidelines.

1. The application will be docketed to an examiner and taken up for action within two weeks of the date of this decision.
2. Restriction Practice:  
If the examiner determines that the claims are not directed to a single invention, a telephone request to elect one single invention will be made pursuant to MPEP 812.01. As a prerequisite to the grant of this petition, the applicant has agreed to make an oral election, by telephone, without traverse. If the applicant refuses to make an election without traverse, or the examiner cannot reach the applicant after a reasonable effort, the examiner will treat the first claimed invention (invention defined by claim 1) as having being constructively elected without traverse for examination.

3. Office action:

If it is determined that, after appropriate consultation, there is a potential rejection or any other issue to be addressed, the examiner will telephone the applicant and arrange an interview to discuss and resolve the issue. An Office action, other than a Notice of Allowance and Fee(s) Due (Notice of Allowance), will not be issued unless either: 1) an interview was conducted but did not result in agreed to action that places the application in condition for allowance, or, 2) a determination is made that an interview would be unlikely to result in the application being placed in condition for allowance, and 3) an internal conference has been held to review any rejection of any claim.

4. Time for Reply:

An Office action other than a Notice of Allowance or a final Office action will set a shortened statutory period of one month or thirty days, whichever is longer, for reply with no extension of time available under 37 CFR 1.136(a). Failure to timely file a reply within this non-extendible period for reply will result in the abandonment of the application.

5. Reply by Applicant:

A timely reply to an Office action other than the Notice of Allowance must be submitted electronically via EFS or EFS-web and limited to addressing the rejections, objections and requirement made. Any amendment that attempts to: 1) add claims which would result in more than three pending independent claims or more than twenty pending total claims; 2) present claims not encompassed by the pre-examination search or an updated accelerated examination support document; or 3) present claims that are directed a non-elected invention or an invention other than that previously claimed and examined in the application, will be treated as not fully responsive and will not be entered.

For any amendment to the claims (including any new claim) that is not encompassed by the accelerated examination support document, applicant must provide an updated accelerated examination support document that encompasses the amended or new claims at the time of filing of the amendment.

To proceed expeditiously with the examination, it is recommended that a reply with amendments made to any claim or with any new claim being added be accompanied by an updated accelerated examination support document or a statement explaining how the amended or new claim is supported by the original accelerated examination support document.

6. Information Disclosure Statement (IDS):

Any IDS filed during prosecution must be submitted electronically via EFS or EFS-web, accompanied by an updated accelerated examination support document, and be in compliance with 37 CFR 1.97 and 1.98.

7. Post-Allowance Processing:

To expedite processing of the allowed application into a patent, the applicant must: 1) pay the required fees within one month of the date of the Notice of Allowance, and 2) not file any post allowance papers not required by the Office. In no event may the issue fee be paid and accepted later than three months from the date of the Notice of Allowance.

8. After-Final and Appeal Procedures:

To expedite prosecution, after receiving the final Office action, applicant must: 1) promptly file a notice of appeal, an appeal brief and appeal fees; and 2) not request a pre-appeal brief conference.

Any amendment, affidavit or other evidence filed after final Office action must comply with applicable rules and the requirements outlined in numbered paragraphs 5 and 6 above.

On appeal, the application will proceed according to normal appeal procedures. After appeal, the application will again be treated special.

9. Proceedings Outside the Normal Examination Process:

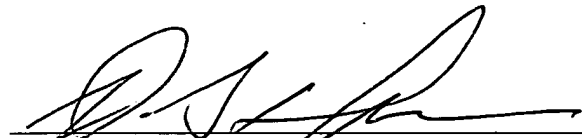
If the application becomes involved in a proceeding that is outside the normal examination process (e.g., a secrecy order, national security review, interference proceeding, petitions under 37 CFR 1.181, 182 or 183), the application will be treated special before and after such proceeding.

10. Final Disposition:

The twelve month goal of this accelerated examination procedure ends with a final disposition. The mailing of a final Office action, a Notice of Allowance, the filing of a Notice of Appeal, or the filing of a Request for Continued Examination (RCE) is the final disposition.

If, during prosecution, a paper is not filed electronically using EFS-web, a reply is filed but is not fully responsive, the application is involved in an appeal, or a proceeding outside normal examination process, the application will still be examined expeditiously, however, the final disposition may occur more than twelve months from the filing of the application.

Any inquiry regarding this decision should be directed to Quality Assurance Specialist Jose' G. Dees at (571) 272-1569.



Jose' G. Dees, Quality Assurance Specialist  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

WILLIAM D. HARE  
MCNEELY, HARE & WAR, LLP  
66 WITHERSPOON STREET  
STE. 1, PMB 317  
PRINCETON, NJ 08542-9944

**MAILED**

SEP 26 2011

**OFFICE OF PETITIONS**

In re Application of  
Gary Bennis  
Application No. 12/782,625  
Filed: May 18, 2010  
Attorney Docket No. 7036.012

:  
:  
:  
:  
:

**ON PETITION**


This is a decision on the petition under 37 CFR 1.137(b), filed September 8, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice To File Corrected Application Papers (Notice) mailed June 1, 2010. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on August 2, 2010.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Office of Patent Application Processing.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CHOATE, HALL & STEWART LLP  
Patent Department  
Two International Place  
Boston MA 02110

**MAILED**  
**DEC 14 2010**  
**OFFICE OF PETITIONS**

In re Application of	:	
Mark L. Behnke et al.	:	DECISION ON PETITION
Application No. 12/782,650	:	TO WITHDRAW
Filed: May 18, 2010	:	FROM RECORD
Attorney Docket No. <b>GORI-1-1010</b>	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed November 16, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the Office no longer accept address changes to a new practitioner/customer number or law firm filed with a request, absent the filing of a power of attorney to the new representative.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

*An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

/JoAnne Burke/  
JoAnne Burke  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CHOATE, HALL & STEWART LLP  
PATENT DEPARTMENT  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110

MAILED

DEC 13 2010

OFFICE OF PETITIONS

In re Application of

BEHNKE, Mark L. et al.

Application No. 12/782,655

Filed: May 18, 2010

Attorney Docket No. 2008074-0116

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 16, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: JONES DAY  
222 EAST 41ST ST  
NEW YORK, NY 10017



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

CHOATE, HALL & STEWART LLP  
PATENT DEPARTMENT  
TWO INTERNATIONAL PLACE  
BOSTON MA 02110

**MAILED**  
**DEC 13 2010**  
**OFFICE OF PETITIONS**

In re Application of :

**BEHNKE, Mark L. et al.** :

Application No. 12/782,658 :

Filed: May 18, 2010 :

Attorney Docket No. 2008074-0117 :

DECISION ON PETITION  
TO WITHDRAW  
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 16, 2010.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

/Tredelle D. Jackson/  
Paralegal Specialist  
Office of Petitions

cc: **JONES DAY**  
**222 EAST 41ST ST**  
**NEW YORK, NY 10017**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JEFFREY J. KING, ESQ.  
PATENT NETWORKS LAW GROUP PLLC  
5000 CARILLON POINT  
SUITE 400  
KIRKLAND WA 98033

**MAILED**  
**AUG 23 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Murray, et al. :  
Application No. 12/782,705 : **DECISION**  
Filed/Deposited: 18 May, 2010 :  
Attorney Docket No. DOVP-2302CON :

This is a decision on the petition filed on 10 August, 2011, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations  
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).*

**BACKGROUND**

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 21 January, 2011, with reply due absent extension of time on or before 21 April, 2011.

The application went abandoned by operation of law after midnight 21 April, 2011.

Application No. 12/782,705

The Office mailed the Notice of Abandonment of 3 August, 2011.

On 10 August, 2011, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b) with a reply in the form of a continuation (Application No. 13/207,279), and made the statement of unintentional delay.

The application is revived for the purposes of continuity and then abandoned in favor of the continuation application.

*Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c) as to the showing regarding unintentional delay and a petition pursuant to 37 C.F.R. §1.137(b).*

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

### STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to revive an application if the delay is shown to the satisfaction of the Commissioner to have been “unavoidable.” 35 U.S.C. §133 (1994).<sup>2</sup> The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.<sup>3</sup>))

---

<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

<sup>2</sup> 35 U.S.C. §133 provides:

**35 U.S.C. §133 Time for prosecuting application.**

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

<sup>3</sup> Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

Application No. 12/782,705

As to Allegations of  
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.


CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1626 in due course for such processing as required for the purposes of entry of continuity.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>4</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

  
/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>4</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

TECHLAW LLP  
10755 SCRIPPS POWAY PARKWAY, SUITE 465  
SAN DIEGO, CA 92131

**MAILED**  
**JAN 27 2012**  
**OFFICE OF PETITIONS**

Applicant: ZHONG, et al.  
Appl. No.: 12/782,709  
Filing Date: May 18, 2010  
Title: PROCESSES OF ENANTIOSELECTIVELY FORMING AN AMINOXY COMPOUND  
AND AN 1,2-OXAZINE COMPOUND  
Attorney Docket No.: VJP.007US  
Pub. No.: US 2011/01224429 A1  
Pub. Date: September 15, 2011

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), received on November 15, 2011, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material mistakes wherein the examples on Pages 29 through 35 in the specification did not include relevant text.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.<sup>1</sup>

The errors noted by requestor are Office errors but are not material Office errors as defined under 37 CFR 1.221(b). In particular, the errors do not affect the interpretation of the published claims. See MPEP 1130 B.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of

<sup>1</sup>Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).



the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

[http://www.uspto.gov/ebc/portal/efs/pgpub\\_quickstart.pdf](http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf)

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Sherry D. Brinkley at (571) 272-3204.

/Christopher Bottorff/

Christopher Bottorff  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No.

PERLEY-ROBERTSON,  
HILL & MCDOUGALL LLP  
1400-340 Albert Street  
OTTAWA ON K1R 0A5  
CANADA

**MAILED**  
**APR 21 2011**  
**OFFICE OF PETITIONS**

In re Application of :  
Loren Knutson, Kenneth Simone :  
Nezar Gharbia and John Zurawski : DECISION REFUSING STATUS  
Application No. 12/782,737 : UNDER 37 CFR 1.47(b)  
Filed: May 19, 2010 :  
Attorney Docket No. CREL-064 :

This is a decision on PETITION UNDER 37 CFR 1.47 filed September 27, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on May 19, 2010, with an application data sheet but without an oath or declaration. Accordingly, on May 27, 2010, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application," requiring submission of an executed oath or declaration and payment of the surcharge for late filing under § 1.16(e) (and requiring replacement drawings). This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

In response, rule 47 applicant filed the following papers: 1) the instant petition (and petition fee), 2) replacement drawings with preliminary amendment, 3) the late surcharge, 4) paper styled Declaration for Utility or Design Patent Application Under 37 CFR 1.63 referencing this application and another application executed by Chief Technology Officer, Corel Corporation, Graham Brown (including a statement that he has the power to sign on behalf of and bind Corel Corporation), 5) appended to the declaration signed by Mr. Brown, documentary evidence of the presentation of the application papers to the inventors by electronic mail, and 6) an unexecuted declaration under 37 CFR 1.63 (form PTO/SB/01) with supplemental sheets (forms PTO/SB/02A and 02B). This response was made timely by an accompanying petition and fee for extension for response within the second month. Rule 47B applicant asserts that status under 1.47 is proper because all of the inventors refuse to sign the declaration.

37 CFR §1.47(b) provides that:

Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

Accordingly, a grantable petition under 37 CFR §1.47(b) requires: (1) an acceptable oath or declaration in compliance with 37 C.F.R. §1.63 and 1.64 or 1.175; (2) the rule 47 applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64; (3) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (4) the petition fee; (5) a statement of the last

known address of the non-signing inventor; (6) that rule 47 applicant make out a prima facie case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a proprietary interest in the subject matter of the invention; and (7) rule 47 applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent irreparable damage.

The petition includes the petition fee. Otherwise, the requirements of rule 47 have not been met.

With respect to requirement (1), the petition does not include an acceptable oath or declaration in compliance with 37 C.F.R. §1.63 and 1.64. Rule 47 applicants have submitted a 7-page unexecuted declaration and a "declaration" signed by Graham Brown on behalf of the assignee. The 7-page declaration identifies all of the inventors by name, residence and citizenship; however, as it is not signed and does not meet the requirements of 1.64 (e.g., that it be signed by the assignee, the assignee signing on behalf be named and his or her title noted), it is not acceptable.

Moreover, the declaration signed by Mr. Brown is not acceptable as it is not in compliance with 37 CFR 1.63. For example, it states that the inventor's residence and mailing address and citizenship are as stated next to the declaration submitted with the application as filed on May 19, 2010. Further, it states that each of the inventors as stated by the presence of their names in the declaration filed May 19, 2010 were the original and first inventors. However, no declaration was submitted in this application on May 19, 2010. Thus, even if it was proper to make such statements in the declaration by reference to another document, the referring document does not exist.

With regard to submitting an acceptable declaration, rule 47b is advised that it is more appropriate for a signature block (or added page to declaration) for the assignee to sign on behalf of the inventors (including name and title per 37 CFR 1.64) to be added to a declaration such as the unexecuted 7-page declaration submitted. Ordinarily the proof required to be stated on petition is not stated in the declaration.

With respect to requirement (2), as discussed above, the petition does not include an acceptable declaration which states

the rule 47(b) applicant's relationship to the inventor as required by 37 C.F.R. §1.64. See MPEP 409.03(b)<sup>1</sup>.

With respect to requirement (3), as to inventors Knutson, Simone and Zurawski, the petition does include adequate proof that the inventors refuse to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings). The evidence of record supports a conclusion that in June of 2010, all four inventors were sent a request to sign the declaration. Inventors Knutson, Simone and Zurawski responded to this inquiry with various questions.

---

<sup>1</sup>Specifically, as stated in MPEP 409.03(b),

Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application. These provisions allow a "person" with a demonstrated proprietary interest to make application "on behalf of and as agent for" an inventor who "cannot be found or reached after diligent effort" or who refuses to sign the application oath or declaration. The word "person" has been construed by the U.S. Patent and Trademark Office to include juristic entities, such as a corporation. Where 37 CFR 1.47(a) is available, application cannot be made under 37 CFR 1.47(b).

In addition to other requirements of law (35 U.S.C. 111(a) and 115), an application deposited pursuant to 37 CFR 1.47(b) must meet the following requirements:

(A) The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Staeger v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the non-signing inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

(B) The 37 CFR 1.47(b) applicant must state his or her relationship to the inventor as required by 37 CFR 1.64.

Their responses reflect successful communication via the email addresses used. In further communications, and given the three inventors' responses, all inventors were sent all of the application papers. None of them then responded to the request to sign the declaration. To the extent the proof includes acknowledgment of receipt of the email communications by responsive email communications, it can be inferred that inventors Knutson, Simone and Zurawski's failure to further respond after the August 2010 presentation of the application papers constitutes a refusal to join in the application.

However, with respect to inventor Gharbia, the record does not support a conclusion that he acknowledged receipt of the email of June 2010. There simply is no responsive email supplied with the petition. Absent a showing that he received and was able to open a presentation by email, it cannot be inferred that his failure to respond constitutes a refusal.

With respect to requirement (5), the petition does not include any statement of the last known addresses of the non-signing inventors.

With respect to requirement (6), rule 47 applicant has not made out a *prima facie* case (i) that the invention has been assigned to him or her or (ii) that the inventor has agreed in writing to assign the invention to him or her or (iii) otherwise demonstrate a proprietary interest in the subject matter of the invention. Rule 47(b) applicants states that Corel Corporation is the legitimate owners of the assets of Image2Web Inc. through acquisition including said intellectual property rights embodies within the assignments to the above referenced application is not adequate to meet this standard. No assignment data is associated with this application in the records of the Office. It is petitioner's burden to produce sufficient proof of proprietary interest. As such, rule 47(b) applicant needs to either i) provide copies of the assignment, ii) state by reel/frame number where the assignment is recorded in the Office, iii) provide copies of the inventors' agreements to assign, or iv) otherwise demonstrate proprietary interest. See MPEP 409.03(f).

Finally, with respect to requirement (7), rule 47 applicant must prove that the filing of the application is necessary (i) to preserve the rights of the parties or (ii) to prevent

irreparable damage. A statement to this effect by a proper party is sufficient.

Further correspondence with respect to this matter should be addressed as follows:

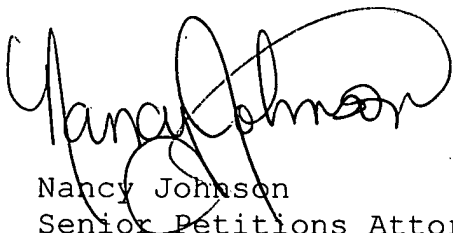
By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:           (571) 273-8300  
                  Attn: Office of Petitions  
                  ATTN: NANCY JOHNSON

By hand:           Customer Service Window  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

Registered users of EFS-Web may also file their response electronically.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a large, stylized loop at the end.

Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

PERLEY-ROBERTSON,  
HILL & MCDOUGALL LLP  
1400-340 ALBERT STREET  
OTTAWA ON K1R 0A5 CA CANADA

**MAILED**

**JAN 19 2011**

**OFFICE OF PETITIONS**

In re Application of :  
Knutson, et al. : DECISION ON PETITION  
Application No. 12/782,741 :  
Filed/Deposited: 19 May, 2010 :  
Attorney Docket No. CREL-065 :

This is a decision on the petition filed on 27 September, 2010, pursuant to 37 C.F.R. §1.47.

**NOTE:**

The petition was submitted with an address other than that of the correspondence address of record. A courtesy copy of the decision is sent to that address, however, should Petitioner wish to have papers directed to him at the address on the petition, a Notice of Change of Address must be filed and accepted.

Petitioner appears to have ignored the requirements of the Rules of Practice pursuant to 37 C.F.R. §1.47 (*see: also, inter alia*, MPEP §409.03, et seq.).

Petitioner will find it beneficial to move stepwise through the requirements of the regulations at 37 C.F.R. §1.47(b), to wit: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor; proof of proprietary interest; and proof of irreparable damage. (*See* MPEP §409.03, and §409.03(a)).

The petition under 37 C.F.R. §1.47(b) is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for



Application No. 12/782,741

Reconsideration of Petition Under 37 C.F.R. §1.47(b),” and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

A grantable petition pursuant to 37 C.F.R. §1.47(b) requires: the petition and fee; proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); an acceptable oath or declaration in compliance with 35 U.S.C. §115 and §116; a statement of the last known address of the non-signing inventor(s) (with a showing as to diligence in the effort to ascertain same); proof of proprietary interest; and proof of irreparable damage.

*Petitioner's attentions are directed to the regulations at 37 C.F.R. §1.47(b) and to the guidance provided in the Commentary in the Manual of Patent Examining Procedure, including that at MPEP §409.03, et seq.*

*Petitioners always are reminded that for transmission by Email of any document (e.g., transmittal description, claims, abstract, drawing(s)) to be accepted by the Office, written acknowledgment of receipt and readability will be required.*

**Deficiencies must be resolved on any renewed petition.**

#### BACKGROUND

The record indicates:

The instant application was filed on 19 May, 2010, without a fully executed oath declaration.

On 27 May, 2010, the Office mailed a Notice of Missing Parts indicating, *inter alia*, that a fully executed oath/declaration (signed and dated) was required.

On 27 September, 2010, Petitioner Michael Kondoudis (Reg. No. 42,758) filed, *inter alia*, a request and fee for extension of time, a petition pursuant to 37 C.F.R. §1.47, an oath/declaration executed by an expressly authorized representative of the averred assignee in the absence of the signing/joining by any of the named inventors; and an involved narrative discussing purported transmissions of papers by Email, but with no evidence of delivery to and readability by each and all of the non-signing inventors as to the message and all attachments as required for the transmission of the entire application (description, claims, abstract, drawings to the non-signing

Application No. 12/782,741

inventors. Petitioner seems not to have submitted a showing of proprietary interest and statement of irreparable damage/harm. (See MPEP §409.03, and §409.03(a)). Thus, the failure to satisfy the requirements as outlined above, including but not limited to the transmission of the entire application—description, claims, abstract and drawings—to the non-signing inventor, with express statement as to the current/valid/reasonably believed to be last known address of each of the non-signing inventors (with an express showing of diligence in the effort as to ascertaining same), and the express statement of the party averred to have undertaken these procedures if other than the Petitioner precludes grant of the petition at this time.

Petitioner **must** resolve these issues on any renewed petition and should review the Rules of Practice and the guidance in the Commentary in the MPEP to ensure satisfaction of all requirements herein, as set forth at the outset of this decision.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.<sup>1</sup>

The instant petition under 37 C.F.R. §1.47(b) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                    Commissioner for Patents  
                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

---

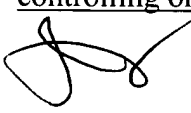
<sup>1</sup> See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office). See specifically, the regulations at 37 C.F.R. §10.18.

Application No. 12/782,741

By hand: Customer Service Window  
Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

By FAX: (571) 273-8300  
ATTN: Office of Petitions

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2<sup>2</sup>) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./  
John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions

---

<sup>2</sup> The regulations at 37 C.F.R. §1.2 provide:

**§1.2 Business to be transacted in writing.**

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,765	05/19/2010	Ki Suk Jeon	2294.1133	5369
7590 07/28/2011				
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER CAMPBELL, NATASHA N.				
ART UNIT		PAPER NUMBER		
1714				
MAIL DATE		DELIVERY MODE		
07/28/2011		PAPER		

## DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

*The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

  
Patent Publication Branch  
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**WILLIAMS MULLEN  
222 CENTRAL PARK AVENUE  
SUITE 1700  
VIRGINIA BEACH VA 23462**

**MAILED**

**OCT 25 2010**

**OFFICE OF PETITIONS**

In re Application of	:	
Jayanta Saha	:	DECISION ON PETITION
Application No. 12/782,774	:	TO WITHDRAW
Filed: May 19, 2010	:	FROM RECORD
Attorney Docket No. 057436.0002	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 12, 2010.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on October 12, 2010 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

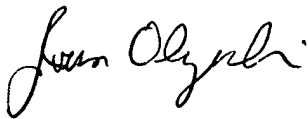
- (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
- (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
- (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with item (2) of the above certifications. Item (2) is the certification that all papers and property (including funds) to which the client is entitled have been delivered to the client or a duly authorized representative.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is an outstanding Office action mailed September 2, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in black ink, appearing to read "Joan Olszewski". The signature is fluid and cursive, with the first name "Joan" and last name "Olszewski" clearly distinguishable.

Joan Olszewski  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**WILLIAMS MULLEN  
222 CENTRAL PARK AVENUE  
SUITE 1700  
VIRGINIA BEACH VA 23462**

**MAILED**

**NOV 15 2010**

**OFFICE OF PETITIONS**

In re Application of  
Jayanta Saha  
Application No. 12/782,774  
Filed: May 19, 2010  
Attorney Docket No. 057436.0002

DECISION ON PETITION  
TO WITHDRAW FROM RECORD

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 29, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

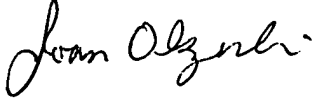
The request was signed by Kelly J. Hollowell on behalf of all attorneys of record who are associated with Customer Number 45309.

All attorneys/agents associated with the Customer Number 45309 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed September 2, 2010 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

A handwritten signature in cursive script, appearing to read "Joan Olszewski".

Joan Olszewski  
Petitions Examiner  
Office of Petitions

cc: Dr. Jayanta Saha  
104 T. Alexander Drive  
P.O. Box 12725  
Research Triangle P, North Carolina 27709-2725





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

NOVAK, DRUCE & QUIGG LLP  
300 NEW JERSEY AVE, NW  
FIFTH FLOOR  
WASHINGTON DC 20001

**MAILED**

**MAY 11 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
DeRosa, John L.	:	DECISION REFUSING STATUS
Application No. 12/782,804	:	UNDER 37 CFR 1.47(b)
Filed: May 19, 2010	:	
Attorney Docket No. 18709.0002.DVUS00	:	

This is in response to the "Petition Under 37 CFR 1.47(b), filed September 1, 2010.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(b) requires:

- (1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee;
- (4) a statement of the last known address of the non-signing inventor.
- (5) proof of proprietary interest: and
- (6) proof of irreparable damage.

The instant petition lacks item (1).

As to item (1), petitioner states that the declaration was resent to the attorney for John DeRosa by facsimile. However, there is no evidence that the declaration was received. Petitioner should provide a copy of the sending unit's report confirming transmission of the document.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                Mail Stop PETITIONS  
                            Commissioner for Patents  
                            Post Office Box 1450  
                            Alexandria, VA 22313-1450

By hand:              Customer Service Window  
                            Mail Stop Petitions  
                            Randolph Building  
                            401 Dulany Street  
                            Alexandria, VA 22314

By fax:                (571) 273-8300  
                            ATTN: Office of Petitions

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**NOVAK DRUCE + QUIGG LLP**  
**300 NEW JERSEY AVE, NW**  
**FIFTH FLOOR**  
**WASHINGTON DC 20001**

**MAILED**

**JUL 21 2011**

**OFFICE OF PETITIONS**

In re Application of	:	
DeRosa, John L.	:	
Application No. 12/782,804	:	DECISION GRANTING STATUS
Filed: May 19, 2010	:	STATUS UNDER 37 CFR 1.47(b)
Attorney Docket No. 18709.0002.DVUS00	:	

This is in response to the renewed petition under 37 CFR 1.47(b), filed June 7, 2011 and June 23, 2011.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventor, John L. DeRosa, has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

∘ This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**JOHN L. DEROSA**  
**8507 CHURCHILL COURT**  
**UPPER MARLBORO, MD 20772**

**MAILED**

**JUL 21 2011**

**OFFICE OF PETITIONS**

In re Application of :  
DeRosa, John L. :  
Application No. 12/782,804 :  
Filed: May 19, 2010 :  
Attorney Docket No. 18709.0002.DVUS00 :

**ON PETITION**

Mr. DeRosa,

You are named as an inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as an inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Examiner Liana Walsh at (571) 272-3206. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

/dab/  
David Bucci  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**NIXON & VANDERHYE, PC**  
**901 NORTH GLEBE ROAD, 11TH FLOOR**  
**ARLINGTON VA 22203**

**MAILED**

**FEB 23 2012**

**OFFICE OF PETITIONS**

In re Application of  
Kazunori Okada  
Application No.: 12/782,817  
Filed: May 19, 2010  
Attorney Docket No.: ELECTRONIC  
CONTROL UNIT AND VEHICLE  
CONTROL SYSTEM

: REQUEST TO  
: PARTICIPATE IN THE PATENT  
: PROSECUTION HIGHWAY  
: PROGRAM AND PETITION  
: TO MAKE SPECIAL UNDER  
: 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed October 6, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

**Discussion**

A grantable request to participate in the PPH pilot program and petition to make special require:

1. The U.S. application is

- a. a Paris Convention application which either
  - i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
- b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim, or
- c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
  - i. validly claims priority to an application filed in the JPO, or
  - ii. validly claims priority to a PCT application that contains no priority claims, or
  - iii. contains no priority claim;

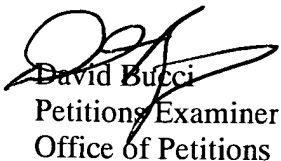
2. Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the JPO application(s);
  - b. An English translation of the allowable/patentable claim(s) and
  - c. A statement that the English translation is accurate;
3. Applicant must:
  - a. Ensure all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
  - a. Documentation of prior office action:
    - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claim(s) or
    - ii. if the allowable/patentable claims(s) are from a "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
    - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
  - b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above
  - c. A statement that the English translation is accurate;
6. Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
  - b. Copies of the documents except U.S. patents or U.S. patent application publications (unless already submitted in this application);

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to the examiner for action on the merits commensurate with this decision.

  
David Bucci  
Petitions Examiner  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/782,821	Filing date:	May 19, 2010
-----------------	------------	--------------	--------------

First Named Inventor:	Donald Robert Weick
-----------------------	---------------------

Title of the Invention:	PACKAGING ASSEMBLY
----------------------------	--------------------

**THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT  
HTTP://WWW.USPTO.GOV/EBC/EFSS\_HELP.HTML**

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2011/036615

**The international filing date of the corresponding PCT application(s) is/are:** May 16, 2011

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

☒ Is attached.

☐ Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/782,821

First Named Inventor: Donald Robert Weick

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.



Is attached

Has already been filed in the above-identified U.S. application on August 30, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)



Are attached.

Have already been filed in the above-identified U.S. application on August 30, 2011

## **II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	46	Claim 1 in U.S. App. sufficiently corresponds to claim 46 in the corres. PCT App.
2	47	Claim 2 in U.S. App. sufficiently corresponds to claim 47 in the corres. PCT App.
3	48	Claim 3 in U.S. App. sufficiently corresponds to claim 48 in the corres. PCT App.
4	49	Claim 4 in U.S. App. sufficiently corresponds to claim 49 in the corres. PCT App.
5	50	Claim 5 in U.S. App. sufficiently corresponds to claim 50 in the corres. PCT App.
6	51	Claim 6 in U.S. App. sufficiently corresponds to claim 51 in the corres. PCT App.
7	52	Claim 7 in U.S. App. sufficiently corresponds to claim 52 in the corres. PCT App.
8	53	Claim 8 in U.S. App. sufficiently corresponds to claim 53 in the corres. PCT App.
9	54	Claim 9 in U.S. App. sufficiently corresponds to claim 54 in the corres. PCT App.
10	55	Claim 10 in U.S. App. sufficiently corresponds to claim 55 in the corres. PCT App.
11	56	Claim 11 in U.S. App. sufficiently corresponds to claim 56 in the corres. PCT App.
12	57	Claim 12 in U.S. App. sufficiently corresponds to claim 57 in the corres. PCT App.
13	58	Claim 13 in U.S. App. sufficiently corresponds to claim 58 in the corres. PCT App.
14	59	Claim 14 in U.S. App. sufficiently corresponds to claim 59 in the corres. PCT App.
15	60	Claim 15 in U.S. App. sufficiently corresponds to claim 60 in the corres. PCT App.
16	61	Claim 16 in U.S. App. sufficiently corresponds to claim 61 in the corres. PCT App.
17	62	Claim 17 in U.S. App. sufficiently corresponds to claim 62 in the corres. PCT App.
18	63	Claim 18 in U.S. App. sufficiently corresponds to claim 63 in the corres. PCT App.
19	64	Claim 19 in U.S. App. sufficiently corresponds to claim 64 in the corres. PCT App.

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Ryan T. Grace/	Date 10/20/2011
Name (Print/Typed) Ryan T. Grace	Registration Number 52,956



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/782,821

First Named Inventor: Donald Robert Weick

d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒Has already been filed in the above-identified U.S. application on August 30, 2011

(2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on August 30, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20	65	Claim 20 in U.S. App. sufficiently corresponds to claim 65 in the corres. PCT App.
21	66	Claim 21 in U.S. App. sufficiently corresponds to claim 66 in the corres. PCT App.
22	67	Claim 22 in U.S. App. sufficiently corresponds to claim 67 in the corres. PCT App.
23	68	Claim 23 in U.S. App. sufficiently corresponds to claim 68 in the corres. PCT App.
24	69	Claim 24 in U.S. App. sufficiently corresponds to claim 69 in the corres. PCT App.
25	70	Claim 25 in U.S. App. sufficiently corresponds to claim 70 in the corres. PCT App.
26	71	Claim 26 in U.S. App. sufficiently corresponds to claim 71 in the corres. PCT App.
27	72	Claim 27 in U.S. App. sufficiently corresponds to claim 72 in the corres. PCT App.
28	73	Claim 28 in U.S. App. sufficiently corresponds to claim 73 in the corres. PCT App.
29	74	Claim 29 in U.S. App. sufficiently corresponds to claim 74 in the corres. PCT App.
30	75	Claim 30 in U.S. App. sufficiently corresponds to claim 75 in the corres. PCT App.
31	76	Claim 31 in U.S. App. sufficiently corresponds to claim 76 in the corres. PCT App.
32	77	Claim 32 in U.S. App. sufficiently corresponds to claim 77 in the corres. PCT App.
33	78	Claim 33 in U.S. App. sufficiently corresponds to claim 78 in the corres. PCT App.
34	79	Claim 34 in U.S. App. sufficiently corresponds to claim 79 in the corres. PCT App.
35	80	Claim 35 in U.S. App. sufficiently corresponds to claim 80 in the corres. PCT App.

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Ryan T. Grace/

Date 10/20/2011

Name  
(Print/Typed) Ryan T. Grace

Registration Number 52,956

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

RYAN T. GRACE

ADVENT IP, P.C., L.L.O. 2425 SOUTH 144TH STREET  
SUITE 202 OMAHA NE 68144 USA

PCT

RECEIVED

AUG 19 2011

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) 12 AUGUST 2011 (12.08.2011)

Applicant's or agent's file reference  
15721.0735WO01

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2011/036615

International filing date (day/month/year)

16 MAY 2011 (16.05.2011)

Priority date(day/month/year)

19 MAY 2010 (19.05.2010)

International Patent Classification (IPC) or both national classification and IPC

B65D 77/04(2006.01)i, B65D 5/54(2006.01)i, B65D 75/58(2006.01)i, B65D 81/34(2006.01)i

Applicant

CONAGRA FOODS RDM. INC. et al

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☐ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 189  
Cheongsu-ro, Seo-gu, Daejeon 302-  
701, Republic of Korea  
Facsimile No. 82-42-472-7140

Date of completion of this opinion

11 AUGUST 2011 (11.08.2011)

Authorized officer

KIM, Tae Soo

Telephone No.82-42-481-5970

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2011/036615**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-128	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-110	YES
	Claims	111-128	NO
Industrial applicability (IA)	Claims	1-128	YES
	Claims	NONE	NO

**2. Citations and explanations :**

**Reference is made to the following documents:**

D1: US 2006-0233928 A1  
D2: WO 9304944 A1  
D3: US 5540381 A

**Novelty and Inventive step:**

Claims 1, 39, 100 describe a packaging assembly comprising a packaging sleeve with unique structural feature, which is neither anticipated nor obvious from the prior arts D1-D3.

Claim sets 2-27, 40-45, 101-110 are dependent on Claim 1, 39, 100, respectively.

Claims 28, 71, 81 describe a product assembly comprising a packaging sleeve with unique structural feature, which is neither anticipated nor obvious from the prior arts D1-D3.

Claim sets 29-38, 72-80, 82-99 are dependent on Claim 28, 71, 81, respectively.

Claim 46 describes a container having a container rim with a plurality of structural elements, which are neither anticipated nor obvious from the prior arts D1-D3.

Claims 47-70 are dependent on Claim 46.

Claim 111 describes a product assembly, comprising a container and a packaging sleeve. The container and the sleeve, by which the technical feature of the invention of Claim 111 is characterized, correspond to the container (24) and the cover (30) disclosed in D1. The detailed structural differences between the invention of Claim 111 and the prior art D1 is considered to be obvious to a person skilled in the art.

Claim 120 describes a product assembly, the technical feature of which is substantially identical to that of Claim 111. Thus the invention of Claim 120 is considered to be obvious over the prior art D1.

The technical features described in dependent Claims 112-119, 121-128 are disclosed in D1 or obvious to a person skilled in the art.

Therefore the subject matter of Claims 1-110 is considered to be novel and to involve an inventive step under PCT Article 33(2)-(3); the subject matter of Claims 111-128 is considered to be novel under PCT Article 33(2), but lacks an inventive step under PCT Article 33(3).

**Industrial applicability:**

The subject matter of Claims 1-128 relates to a packaging assembly, thus meets the requirement of PCT Article 33(4) with respect to industrial applicability.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2011/036615**

**Box No. 1 Basis of this opinion**


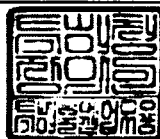
1. With regard to the **language**, this opinion has been established on the basis of :
  - ☐ the international application in the language in which it was filed
  - ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
  - a. a sequence listing filed or furnished
    - ☐ on paper
    - ☐ in electronic form
  - b. time of filing or furnishing
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To: RYAN T. GRACE ADVENT IP, P.C., L.L.O. 2425 SOUTH 144TH STREET SUITE 202 OMAHA NE 68144 USA	<div style="text-align: right;"> <b>PCT</b> RECEIVED          AUG 19 2011       </div> <div style="text-align: center;"> <b>NOTIFICATION OF TRANSMITTAL OF          THE INTERNATIONAL SEARCH REPORT AND          THE WRITTEN OPINION OF THE INTERNATIONAL          SEARCHING AUTHORITY, OR THE DECLARATION</b>          (PCT Rule 44.1)       </div>
Applicant's or agent's file reference 15721.0735WO01	Date of mailing (day/month/year) 12 AUGUST 2011 (12.08.2011) <b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International application No. <b>PCT/US2011/036615</b>	International filing date (day/month/year) <b>16 MAY 2011 (16.05.2011)</b>
Applicant <b>CONAGRA FOODS RDM. INC. et al</b>	

1. ☐ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.  
**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):  
**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.  
**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70  
**For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.**
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**  
 The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.  
 Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).  
 Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.  
 In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.  
 For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 189 Cheongsu-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer COMMISSIONER Telephone No. 82-42-481-8755 
---	---

\* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number

PW : **6GXOA6GW**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

RECEIVED

AUG 19 2011

Applicant's or agent's file reference 15721.0735WO01	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2011/036615</b>	International filing date ( <i>day/month/year</i> ) <b>16 MAY 2011 (16.05.2011)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 19 MAY 2010 (19.05.2010)
Applicant  <b>CONAGRA FOODS RDM. INC. et al</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☐ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

- ☐ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☐ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1
- ☐ as suggested by the applicant.
- ☐ as selected by this Authority, because the applicant failed to suggest a figure.
- ☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2011/036615****A. CLASSIFICATION OF SUBJECT MATTER****B65D 77/04(2006.01)i, B65D 5/54(2006.01)i, B65D 75/58(2006.01)i, B65D 81/34(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

B65D 77/04; B65D 5/04; B65D 71/36; B65B 25/06

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: packaging, assembly

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A X	US 2006-0233928 A1 (GARY J. WYSOCKI; RUSSELL M. WYSOCKI) 19 October 2006 See Abstract, Pages 2-3 and Figure 1.	1-110 111-128
A	WO 93-04944 A1 (THE C.W. ZUMBIEL CO.) 18 March 1993 See the whole Figures.	1-128
A	US 05540381 A (DAVIS; MARTHA) 30 July 1996 See the whole Figures.	1-128

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

11 AUGUST 2011 (11.08.2011)

Date of mailing of the international search report

**12 AUGUST 2011 (12.08.2011)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 189 Cheongsu-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

KIM, Tae Soo

Telephone No. 82-42-481-5970





**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2011/036615**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2006-0233928 A1	19.10.2006	US 2006-233928 A1 US 2008-0274238 A1 US 2008-274238 A1	19.10.2006 06.11.2008 06.11.2008
WO 93-04944 A1	18.03.1993	AT 148672 T AU 9019991 A CA 2073728 A1 CA 2073728 C DE 69124629 D1 EP 0600883 A1 EP 0600883 B1 US 05197656A A	15.02.1997 05.04.1993 05.03.1993 04.05.1999 20.03.1997 15.06.1994 05.02.1997 30.03.1993
US 05540381 A	30.07.1996	None	

**CLAIMS DETERMINED TO BE PATENTABLE BY KIPO**

**NOTE: Only Claims 1-35 were filed in this U.S. Application (12/782,821) and correspond to Claims 46-80 of the PCT Application. The remaining claims were filed in other U.S. Applications.**

1. A packaging assembly, comprising:  
a packaging sleeve having a sleeve front and a sleeve back, wherein the packaging sleeve includes:  
a first curved corner opening, wherein the first curved corner opening is formed from a portion of a circumference of an ellipse having a first radius, and  
a second curved corner opening, wherein the second curved corner opening is formed from a portion of a circumference of an ellipse having a second radius;  
a container, wherein the packaging sleeve at least partially encloses the container, wherein the container includes a rim outer edge, wherein the rim outer edge includes:  
a first corner curve, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a third radius, and  
a second corner curve, wherein the second corner curve is formed from a portion of a circumference of an ellipse having a fourth radius;  
wherein the first radius is generally the same as the third radius to cause a geometrical alignment between the first curved corner opening of the packaging sleeve and the first corner curve of the container, wherein the second radius is generally the same as the fourth radius to cause a geometrical alignment between the second curved corner opening of the packaging sleeve and the second corner curve of the container.
2. The packaging assembly of claim 1, wherein the first curved corner opening of the packaging sleeve is diagonally oriented in relation to the second curved corner opening of the packaging sleeve, wherein the first corner curve of the rim outer edge is diagonally oriented in relation to the second corner curve of the rim outer edge.
3. The packaging assembly of claim 1, wherein the packaging sleeve further comprises a first closed corner and a second closed corner.

4. The packaging assembly of claim 1, wherein the length of the first radius, the length of the second radius, the length of the third radius, and the length of the fourth radius are generally the same.

5. The packaging assembly of claim 1, wherein the container rim further includes a rim inner edge, wherein the rim inner edge includes:

- a first side inner rim edge,

- a second side inner rim edge,

- a third side inner rim edge, wherein the third side inner rim edge includes:

- a third side convex curve formed from a portion of a circumference of an ellipse having a fifth radius, and

- a third side concave curve formed from a portion of a circumference of an ellipse having a sixth radius,

- a fourth side inner rim edge, wherein the fourth side inner rim edge includes:

- a fourth side convex curve formed from a portion of a circumference of an ellipse having a seventh radius, and

- a fourth side concave curve formed from a portion of a circumference of an ellipse having an eighth radius;

6. The packaging assembly of claim 5, wherein the length of the fifth radius is greater than at least one member of a group comprising: the length of the sixth radius and the length of the eighth radius.

7. The packaging assembly of claim 5, wherein the length of the seventh radius is greater than at least one member of a group comprising: the length of the sixth radius and the length of the eighth radius.

8. The packaging assembly of claim 5, wherein the length of the fifth radius is generally the same as the length of the seventh radius, wherein the length of the sixth radius is generally the same as the length of the eighth radius.

9. The packaging assembly of claim 5, wherein the rim inner edge further comprises:

a first corner curve geometrically transitioning the third side concave curve to the first side inner rim edge, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a ninth radius, and

a second corner curve geometrically transitioning the fourth side concave curve to the second side inner rim edge, wherein the second corner curve is formed from a portion of a circumference of an ellipse having a tenth radius.

10. The packaging assembly of claim 9, wherein the length of the ninth radius is generally the same as the length of the tenth radius.

11. The packaging assembly of claim 9, wherein the length of the ninth radius is at least one member of a group comprising: less than the length of the fifth radius, less than the length of the sixth radius, less than the length of the seventh radius, and less than the length of the eighth radius.

12. The packaging assembly of claim 1, wherein the sleeve front includes a prepared product indicator field and an ingredient indicator field.

13. The packaging assembly of claim 12, wherein the prepared product indicator field is populated with a prepared product indicator that includes image indicia signaling a state of a cooked food product having at least one cooked ingredient.

14. The packaging assembly of claim 13, wherein the ingredient indicator field is populated with at least one ingredient indicator that includes image indicia signaling a prepackaged state of the at least one cooked ingredient signaled by the prepared product indicator field.

15. The packaging assembly of claim 14, wherein the sleeve front further includes a primary ingredient reinforcement indicator field.

16. The packaging assembly of claim 15, wherein the primary ingredient reinforcement indicator field overlaps the ingredient indicator field.

17. The packaging assembly of claim 15, wherein the primary ingredient reinforcement indicator field is populated with textual indicia signaling the preprocessed state of the image indicia populated to the ingredient indicator field.

18. The packaging assembly of claim 17, wherein the sleeve front further includes a secondary ingredient reinforcement indicator field.

19. The packaging assembly of claim 18, wherein the secondary ingredient reinforcement indicator field is populated with a cool color.

20. The packaging assembly of claim 19, wherein the cool color is a color, clockwise from yellow to violet in the RYB Color Model.

21. The packaging assembly of claim 12, wherein the prepared product indicator field is populated with a prepared product indicator that includes image indicia signaling a state of a cooked food product having a plurality of cooked ingredients.

22. The packaging assembly of claim 21, wherein the ingredient indicator field is populated with an array of ingredient indicators, wherein each ingredient indicator in the array includes image indicia signaling a prepackaged state of at least one of the cooked ingredients in the plurality of cooked ingredients.

23. The packaging assembly of claim 1, wherein the sleeve front includes a brand indicator field and a brand tying indicator field.

24. The packaging assembly of claim 23, wherein the brand indicator field is populated with textual indicia that signals a brand of a food product.

25. The packaging assembly of claim 24, wherein the brand tying indicator field is populated with image indicia having a shape corresponding to at least one portion of the image indicia populated to the brand indicator field.

26. The packaging assembly of claim 23, wherein the brand tying indicator field is populated with at least one member of a group comprising: image indicia signaling a cooking method for a food product, textual indicia signaling a cooking method for a food product, and textual indicia signaling a product type for a food product.

27. The packaging assembly of claim 24, wherein the brand tying indicator field includes a first sub-field and a second sub-field, wherein the first sub-field and the second sub-field are graphically separate, wherein the first sub-field and the second sub-field are populated with image indicia having a shape that collaboratively corresponds to at least one portion of the image indicia populated to the brand indicator field.

28. A product assembly, comprising:  
a food product located in a container, wherein the food product includes a plurality of ingredients;

a packaging sleeve enclosing at least a portion of the container;

the packaging sleeve having a sleeve front and a sleeve back, wherein the packaging sleeve includes:

a curved corner opening, wherein the curved corner opening is formed from a portion of a circumference of an ellipse having a first radius;

the container includes a rim outer edge, wherein the rim outer edge includes:

a corner curve, wherein the corner curve is formed from a portion of a circumference of an ellipse having a second radius;

wherein the first radius is generally the same as the second radius to cause a geometrical alignment between the curved corner opening of the packaging sleeve and the corner curve of the container.

29. The product assembly of claim 28, wherein the packaging sleeve further comprises a first closed corner and a second closed corner.

30. The product assembly of claim 28, wherein the length of the first radius and the length of the second radius are generally the same.

31. The product assembly of claim 28, wherein the sleeve front includes a prepared product indicator field and an ingredient indicator field.

32. The product assembly of claim 31, wherein the prepared product indicator field is populated with a prepared product indicator that includes image indicia signaling a cooked state of the food product located in the container.

33. The product assembly of claim 32, wherein the ingredient indicator field is populated with an array of ingredient indicators that include image indicia signaling a prepackaged state of the plurality of ingredients of the frozen meal located in the container.

34. The product assembly of claim 33, wherein the sleeve front further includes a primary ingredient reinforcement indicator field.

35. The product assembly of claim 34, wherein the primary ingredient reinforcement indicator field overlaps the ingredient indicator field.

36. The product assembly of claim 34, wherein the primary ingredient reinforcement indicator field is populated with textual indicia that signals at least one member of a group comprising: the preprocessed state of the plurality of ingredients of the food product located in the container, the preprocessed state of the array of ingredient indicators populated to the

ingredient indicator field, and the prepackaged state of the prepared product indicator populated to the prepared product indicator field.

37. The product assembly of claim 36, wherein the sleeve front further includes a secondary ingredient reinforcement indicator field.

38. The product assembly of claim 37, wherein the secondary ingredient reinforcement indicator field is populated with a cool color, wherein the cool color is a color, clockwise from yellow to violet in the RYB Color Model.

39. A packaging assembly, comprising:  
a packaging sleeve, wherein the packaging sleeve includes:  
a sleeve front, wherein the sleeve front includes:  
a first front curve formed from a portion of a circumference of an ellipse having a first radius, and  
a second front curve formed from a portion of a circumference of an ellipse having a second radius,  
a sleeve back, wherein the sleeve back includes:  
a first back curve formed from a portion of a circumference of an ellipse having a third radius, and  
a second back curve formed from a portion of a circumference of an ellipse having a fourth radius;  
wherein the first front curve and the first back curve form a first corner opening,  
and  
wherein the second front curve and the second back curve form a second corner opening;  
a container, wherein the packaging sleeve encloses at least a portion of the container, wherein the container includes a rim outer edge, wherein the rim outer edge includes:  
a first corner curve, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a fifth radius, and



a second corner curve, wherein the second corner curve is formed from a portion of a circumference of an ellipse having a sixth radius;

wherein the fifth radius is generally the same as the first radius and the third radius to cause a geometrical alignment between the first curved corner opening of the packaging sleeve and the first corner curve of the container, wherein the sixth radius is generally the same as the second radius and the fourth radius to cause a geometrical alignment between the second curved corner opening of the packaging sleeve and the second corner curve of the container.

40. The packaging assembly of claim 39, wherein the first curved corner opening of the packaging sleeve is diagonally oriented in relation to the second curved corner opening of the packaging sleeve, wherein the first corner curve of the rim outer edge is diagonally oriented in relation to the second corner curve of the rim outer edge.

41. The packaging assembly of claim 39, wherein the packaging sleeve further comprises a first closed corner and a second closed corner.

42. The packaging assembly of claim 39, wherein the container rim further includes a rim inner edge, wherein the rim inner edge includes:

a first side inner rim edge,

a second side inner rim edge,

a third side inner rim edge, wherein the third side inner rim edge includes:

a third side convex curve formed from a portion of a circumference of an ellipse having a seventh radius, and

a third side concave curve formed from a portion of a circumference of an ellipse having an eighth radius,

a fourth side inner rim edge, wherein the fourth side inner rim edge includes:

a fourth side convex curve formed from a portion of a circumference of an ellipse having a ninth radius, and

a fourth side concave curve formed from a portion of a circumference of an ellipse having a tenth radius;

43. The packaging assembly of claim 42, wherein the length of the seventh radius is greater than at least one member of a group comprising: the length of the eighth radius and the length of the tenth radius.

44. The packaging assembly of claim 42, wherein the length of the ninth radius is greater than at least one member of a group comprising: the length of the eighth radius and length of the tenth radius.

45. The packaging assembly of claim 42, wherein the length of the seventh radius is generally the same as the length of the ninth radius, wherein the length of the eighth radius is generally the same as the length of the tenth radius.

46. A container, comprising:  
a container rim, wherein the container rim includes a rim inner edge, wherein the rim inner edge includes:  
    a first side inner rim edge,  
    a second side inner rim edge,  
    a third side inner rim edge, wherein the third side inner rim edge includes:  
        a third side convex curve formed from a portion of a circumference of an ellipse having a first radius, and  
        a third side concave curve formed from a portion of a circumference of an ellipse having a second radius,  
    a fourth side inner rim edge, wherein the fourth side inner rim edge includes:  
        a fourth side convex curve formed from a portion of a circumference of an ellipse having a third radius, and  
        a fourth side concave curve formed from a portion of a circumference of an ellipse having a fourth radius;  
a container bottom; and  
a container wall extending downwardly from the rim inner edge to the container bottom.

47. The container of claim 46, wherein the length of the first radius is at least one member of a group comprising: greater than the length of the second radius and greater than the length of the fourth radius.

48. The container of claim 46, wherein the length of the third radius is at least one member of a group comprising: greater than the length of the second radius and greater than the length of the fourth radius.

49. The container of claim 46, wherein the length of the first radius is generally the same as the length of the third radius, wherein the length of the second radius is generally the same as the length of the fourth radius.

50. The container of claim 46, wherein the rim inner edge further comprises:  
a first corner curve geometrically transitioning the third side concave curve to the first side inner rim edge, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a fifth radius, and  
a second corner curve geometrically transitioning the fourth side concave curve to the second side inner rim edge, wherein the second corner curve is formed from a portion of a circumference of an ellipse having a sixth radius.

51. The container of claim 50, wherein the length of the fifth radius is generally the same as the length of the sixth radius.

52. The container of claim 51, wherein the length of the fifth radius is at least one member of a group comprising: less than the length of the first radius, less than the length of the second radius, less than the length of the third radius, and less than the length of the fourth radius.

53. The container of claim 50, wherein a line formed from the first side inner rim edge is generally parallel to a line formed from the second side inner rim edge.

54. The container of claim 53, wherein the line formed from the first side inner rim edge is generally tangent to the circumference of the ellipse having the fifth radius, wherein the circumference of the ellipse having the second radius is generally tangent to the circumference of the ellipse having the fifth radius.

55. The container of claim 53, wherein the line formed from the second side inner rim edge is generally tangent to the circumference of the ellipse having the sixth radius, wherein the circumference of the ellipse having the fourth radius is generally tangent to the circumference of the ellipse having the sixth radius.

56. The container of claim 53, wherein the line formed from the second side inner rim edge is generally secant to the circumference of the ellipse having the first radius, wherein the circumference of the ellipse having the first radius is generally tangent to the circumference of the ellipse having the second radius.

57. The container of claim 53, wherein the line formed from the first side inner rim edge is generally secant to the circumference of the ellipse having the second radius, wherein the circumference of the ellipse having the second radius is generally tangent to the circumference of the ellipse having the first radius and generally tangent to the circumference of the ellipse having the fifth radius.

58. The container of claim 53, wherein the line formed from the first side inner rim edge is generally secant to the circumference of the ellipse having the third radius, wherein the circumference of the ellipse having the third radius is generally tangent to the circumference of the ellipse having the fourth radius.

59. The container of claim 53, wherein the line formed from the second side inner rim edge is generally secant to the circumference of the ellipse having the fourth radius, wherein the ellipse having the fourth radius is generally tangent to the circumference of the ellipse having the third radius and generally tangent to the circumference of the ellipse having the sixth radius.

60. The container of claim 50, wherein the container rim further comprises a rim outer edge, wherein the rim outer edge includes:

- a first side outer rim edge,
- a second side outer rim edge,
- a third side outer rim edge,
- a fourth side outer rim edge,

a first corner curve geometrically transitioning the third side outer rim edge to the first side outer rim edge, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a seventh radius,

a second corner curve geometrically transitioning the first side outer rim edge to the fourth side outer rim edge, wherein the second corner curve is formed from a portion of a circumference of an ellipse having an eighth radius,

a third corner curve geometrically transitioning the fourth side outer rim edge to the second side outer rim edge, wherein the third corner curve is formed from a portion of a circumference of an ellipse having a ninth radius, and

a fourth corner curve geometrically transitioning the second side outer rim edge to the third side outer rim edge, wherein the fourth corner curve is formed from a portion of a circumference of an ellipse having a tenth radius.

61. The container of claim 60, wherein the length of the seventh radius, the length of the eighth radius, the length of the ninth radius, and the length of the tenth radius are generally the same length.

62. The container of claim 60, wherein a line formed from the first side outer rim edge is generally parallel to a line formed from the second side outer rim edge, generally perpendicular to a line formed from the third side outer rim edge, and generally perpendicular to a line formed from the fourth side outer rim edge.

63. The container of claim 62, wherein the line formed from the first side outer rim edge is generally tangent to the circumference of the ellipse having the seventh radius, wherein

the line formed from the first side outer rim edge is generally tangent to the circumference of the ellipse having the eighth radius.

64. The container of claim 62, wherein the line formed from the second side outer rim edge is generally tangent to the circumference of the ellipse having the ninth radius, wherein the line formed from the second side outer rim edge is generally tangent to the circumference of the ellipse having the tenth radius.

65. The container of claim 62, wherein the line formed from the third side outer rim edge is generally tangent to the circumference of the ellipse having the tenth radius, wherein the line formed from the third side outer rim edge is generally tangent to the circumference of the ellipse having the seventh radius.

66. The container of claim 62, wherein the line formed from the fourth side outer rim edge is generally tangent to the circumference of the ellipse having the eighth radius, wherein the line formed from the fourth side outer rim edge is generally tangent to the circumference of the ellipse having the ninth radius.

67. The container of claim 46, further comprising a channel transition, wherein the channel transition geometrically transitions the container wall to the container bottom.

68. The container of claim 67, wherein the channel transition forms a channel between the container bottom and the container wall.

69. The container of claim 46, wherein the rim inner edge is geometrically structured to form a geometric cooking indicator that signals a cooking operation.

70. The container of claim 25, wherein the geometric cooking indicator is a steam vapor indicator signaling a steam cooking operation.

71. A product assembly, comprising:

a container having a food product therein, wherein the container includes:  
a container rim, wherein the container rim includes a rim inner edge, wherein the rim inner edge includes:  
a first side inner rim edge,  
a second side inner rim edge,  
a third side inner rim edge, wherein the third side inner rim edge includes:  
a third side convex curve formed from a portion of a circumference of an ellipse having a first radius, and  
a third side concave curve formed from a portion of a circumference of an ellipse having a second radius,  
a fourth side inner rim edge, wherein the fourth side inner rim edge includes:  
a fourth side convex curve formed from a portion of a circumference of an ellipse having a third radius, and  
a fourth side concave curve formed from a portion of a circumference of an ellipse having a fourth radius.

72. The product assembly of claim 71, wherein the food product includes at least one member of a group comprising: a vegetable, a starch, and a protein.

73. The product assembly of claim 28, wherein the length of the first radius is greater than the length of the second radius and greater than the length of the fourth radius, wherein the length of the third radius is greater than the length of the second radius and greater than the length of the fourth radius.

74. The product assembly of claim 29, wherein the length of the first radius is generally the same as the length of the third radius, wherein the length of the second radius is generally the same as the length of the fourth radius.

75. The product assembly of claim 71, wherein the rim inner edge further comprises:

a first corner curve geometrically transitioning the third side concave curve to the first side inner rim edge, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a fifth radius, and

a second corner curve geometrically transitioning the fourth side concave curve to the second side inner rim edge, wherein the second corner curve porting is formed from a portion of a circumference of an ellipse having a sixth radius.

76. The product assembly of claim 75, wherein the length of the fifth radius is at least one member of a group comprising: generally the same as the length of the sixth radius, less than the length of the first radius, less than the length of the second radius, less than the length of the third radius, and less than the length of the fourth radius.

77. The product assembly of claim 75, wherein the container rim further comprises a rim out edge, wherein the rim outer edge includes:

- a first side outer rim edge,
- a second side outer rim edge,
- a third side outer rim edge,
- a fourth side outer rim edge,

a first corner curve geometrically transitioning the third side outer rim edge to the first side outer rim edge, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a seventh radius.

a second corner curve geometrically transitioning the first side outer rim edge to the fourth side outer rim edge, wherein the second corner curve is formed from a portion of a circumference of an ellipse having a eighth radius.

a third corner curve geometrically transitioning the fourth side outer rim edge to the second side outer rim edge, wherein the third corner curve is formed from a portion of a circumference of an ellipse having a ninth radius.

a fourth corner curve geometrically transitioning the second side outer rim edge to the third side outer rim edge, wherein the fourth corner curve is formed from a portion of a circumference of an ellipse having a tenth radius.



78. The product assembly of claim 77, wherein the length of the seventh radius, the length of the eighth radius, the length of the ninth radius, and the length of the tenth radius are generally the same length.

79. The product assembly of claim 71, wherein the rim inner edge is geometrically structured to form a geometric cooking indicator that signals a cooking operation.

80. The product assembly of claim 79, wherein the geometric cooking indicator is a steam vapor indicator signaling a steam cooking operation.

81. A product assembly, comprising:  
a container having a food product therein, wherein the food product includes a plurality of ingredients;

a packaging sleeve enclosing at least a portion of the container, wherein the packaging sleeve includes:

a prepared product indicator field populated with a prepared product indicator that includes image indicia signaling a cooked state of the food product in the container, and

an ingredient indicator field populated with at least one image indicia signaling a prepackaged state of at least one of the plurality of ingredients indicated by the prepared product indicator that signals the cooked state of the food product in the container.

82. The product assembly of claim 81, wherein in the ingredient indicator field is populated with an array of image indicia, wherein each image indicia of the array signals a prepackaged state of at least one of the plurality of ingredients indicated by the prepared product indicator.

83. The product assembly of claim 81, wherein the ingredient indicator field is adjacent the prepared product indicator field and oriented below the prepared product indicator field.

84. The product assembly of claim 81, wherein the packaging sleeve further includes a primary ingredient reinforcement field.

85. The product assembly of claim 84, wherein the primary ingredient reinforcement field overlaps at least a portion of the ingredient indicator field.

86. The product assembly of claim 84, wherein the primary ingredient reinforcement field is populated with textual indicia signaling at least one member of a group comprising: a fresh perception state of the image indicia populated to the ingredient indicator field, a fresh perception state of the image indicia populated to the prepared product indicator field, and a fresh perception state of the plurality of ingredients of the food product located in the container.

87. The product assembly of claim 86, wherein the packaging sleeve further includes a secondary ingredient reinforcement field, wherein the secondary ingredient reinforcement field is populated with a color.

88. The product assembly of claim 87, wherein the color is a color, clockwise, from yellow to violet in the RYB Color Model.

89. The product assembly of claim 81, wherein the packaging sleeve further includes a brand indicator field, wherein the brand indicator field is populated with textual indicia signaling a brand of the food product located in the container.

90. The product assembly of claim 89, wherein the packaging sleeve further includes a brand tying indicator field.

91. The product assembly of claim 90, wherein the brand tying indicator field is shaped to correspond to at least a portion of the textual indicia indicating the brand of the food product located in the container.

92. The product assembly of claim 91, wherein the brand tying indicator field includes a first sub-field and a second sub-field.

93. The product assembly of claim 92, wherein the first sub-field is populated with image indicia signaling a cooking method for preparing the food product located in the container.

94. The product assembly of claim 93, wherein the first sub-field is populated with textual indicia signaling a cooking method for preparing the food product located in the container.

95. The product assembly of claim 92, wherein the second sub-field is populated with a product type indicator that includes textual indicia signaling a product type of the food product located in the container.

96. The product assembly of claim 81, wherein the packaging sleeve further includes a cooking method indicator field populated with image indicia signaling a cooking method for preparing the food product located in the container.

97. The product assembly of claim 96, wherein the container includes an inner rim edge, wherein the inner rim edge is geometrically structured to form a geometric cooking indicator that signals a cooking operation for cooking the food product located in the container.

98. The product assembly of claim 97, wherein the image indicia populated to the cooking method indicator field is a steam vapor icon.

99. The product assembly of claim 98, wherein the geometric cooking indicator is a steam vapor indicator signaling a steam cooking operation, wherein the steam vapor indicator forms a nexus with the steam vapor icon populated to the cooking method indicator field.

100. A packaging assembly, comprising:  
a container;  
a packaging sleeve enclosing at least a portion of the container, wherein the packaging sleeve includes:

a prepared product indicator field populated with a prepared product indicator that includes image indicia signaling a cooked state of a food product having a plurality of ingredients, and

an ingredient indicator field populated with an array of image indicia, wherein each image indicia of the array signals a prepackaged state of at least one of the plurality of ingredients indicated by the image indicia populated in the prepared product indicator field.

101. The packaging assembly of claim 100, wherein the ingredient indicator field is adjacent the prepared product indicator field and oriented below the prepared product indicator field.

102. The packaging assembly of claim 100, wherein the packaging sleeve further includes a primary ingredient reinforcement field.

103. The packaging assembly of claim 102, wherein the primary ingredient reinforcement field overlaps at least a portion of the ingredient indicator field.

104. The packaging assembly of claim 102, wherein the primary ingredient reinforcement field is populated with textual indicia signaling a fresh perception state of the image indicia populated to the ingredient indicator field, and signaling a fresh perception state of the image indicia populated to the prepared product indicator field.

105. The packaging assembly of claim 104, wherein the packaging sleeve further includes a secondary ingredient reinforcement field, wherein the secondary ingredient reinforcement field is populated with a color.

106. The packaging assembly of claim 105, wherein the color is a color, clockwise, from yellow to violet in the RYB Color Model.

107. The packaging assembly of claim 100, wherein the packaging sleeve further includes a cooking method indicator field populated with image indicia signaling a cooking method.

108. The packaging assembly of claim 107, wherein the container includes an inner rim edge, wherein the inner rim edge is geometrically structured to form a geometric cooking indicator that signals a cooking operation.

109. The packaging assembly of claim 108, wherein the image indicia populated to the cooking method indicator field is a steam vapor icon.

110. The packaging assembly of claim 109, wherein the geometric cooking indicator is a steam vapor indicator signaling a steam cooking operation, wherein the steam vapor indicator forms a nexus with the steam vapor icon populated to the cooking method indicator field.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450

Advent IP, P.C., L.L.O.  
2425 South 144th Street  
Suite 202  
Omaha NE 68144-3282

**MAILED**  
**FEB 21 2012**  
**OFFICE OF PETITIONS**

In re Application of	: DECISION ON REQUEST TO
Weick Donald ROBERT et al.	: PARTICIPATE IN PCT-PPH PROGRAM
Application No. 12/782,821	: AND PETITION TO MAKE SPECIAL
Filed: May 19, 2010	: UNDER 37 CFR 1.102(a)
Atty. Docket No.: 15721.0735US01	:
For: PACKAGING ASSEMBLY	:

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) program and the petition under 37 CFR 1.102(a), filed October 20, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT –PPH program and petition to make special under 37 CFR 1.102(a) require:

(1) the U.S. application must have an eligible relationship to one or more PCT application where the ISA or IPEA are the JPO, EPO, KIPO, IPAU, Russia, Spain, Finland, Austria, or USPTO;

(2) at least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;

(3) applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

- (5) examination of the U.S. application has not begun;
- (6) applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof;
- (7) applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications; and
- (8) applicant is required to submit a claims correspondence table in English which indicates how all the claims in the U.S. application correspond to the claims indicated as having novelty, inventive step, and industrial applicability in the latest international work product.

The request to participate in the PCT-PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427). All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

This application will be forwarded to Technology Center Art Unit 1782 for action commensurate with this decision.



David Bucci  
Petitions Examiner  
Office of Petitions

# REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE KOREAN INTELLECTUAL PROPERTY OFFICE (KIPO) AND THE USPTO

Application No:	12/782,866	Filing date:	May 19, 2010
-----------------	------------	--------------	--------------

First Named Inventor:	Curtis H. Stowe
-----------------------	-----------------

Title of the Invention:	PACKAGING ASSEMBLY
----------------------------	--------------------

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS\\_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

**APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.**

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

**The corresponding PCT application number(s) is/are:** PCT/US2011/036615

**The international filing date of the corresponding PCT application(s) is/are:**

May 16, 2011

## I. List of Required Documents:

a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**



Is attached.



Is not attached because the document is already in the U.S. application.

b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**



Is attached.



Is not attached because the document is already in the U.S. application.

c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/782,866

First Named Inventor: Curtis H. Stowe

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒Has already been filed in the above-identified U.S. application on August 30, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on August 30, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
1	1	Claim 1 in U.S. App. sufficiently corresponds to claim 1 in the corres. PCT App.
2	2	Claim 2 in U.S. App. sufficiently corresponds to claim 2 in the corres. PCT App.
3	3	Claim 3 in U.S. App. sufficiently corresponds to claim 3 in the corres. PCT App.
4	4	Claim 4 in U.S. App. sufficiently corresponds to claim 4 in the corres. PCT App.
5	5	Claim 5 in U.S. App. sufficiently corresponds to claim 5 in the corres. PCT App.
6	6	Claim 6 in U.S. App. sufficiently corresponds to claim 6 in the corres. PCT App.
7	7	Claim 7 in U.S. App. sufficiently corresponds to claim 7 in the corres. PCT App.
8	8	Claim 8 in U.S. App. sufficiently corresponds to claim 8 in the corres. PCT App.
9	9	Claim 9 in U.S. App. sufficiently corresponds to claim 9 in the corres. PCT App.
10	10	Claim 10 in U.S. App. sufficiently corresponds to claim 10 in the corres. PCT App.
11	11	Claim 11 in U.S. App. sufficiently corresponds to claim 11 in the corres. PCT App.
12	12	Claim 12 in U.S. App. sufficiently corresponds to claim 12 in the corres. PCT App.
13	13	Claim 13 in U.S. App. sufficiently corresponds to claim 13 in the corres. PCT App.
14	14	Claim 14 in U.S. App. sufficiently corresponds to claim 14 in the corres. PCT App.
15	15	Claim 15 in U.S. App. sufficiently corresponds to claim 15 in the corres. PCT App.
16	16	Claim 16 in U.S. App. sufficiently corresponds to claim 16 in the corres. PCT App.
17	17	Claim 17 in U.S. App. sufficiently corresponds to claim 17 in the corres. PCT App.
18	18	Claim 18 in U.S. App. sufficiently corresponds to claim 18 in the corres. PCT App.
19	19	Claim 19 in U.S. App. sufficiently corresponds to claim 19 in the corres. PCT App.

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Ryan T. Grace/	Date 10/20/2011
Name (Print/Typed) Ryan T. Grace	Registration Number 52,956

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM  
BETWEEN THE KIPO AND THE USPTO**

(continued)

Application No.: 12/782,866

First Named Inventor: Curtis H. Stowe

- d. (1) An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.

☐

Is attached

☒Has already been filed in the above-identified U.S. application on August 30, 2011

- (2) Copies of all documents (except) for U.S. patents or U.S. patent application publications)

☐

Are attached.

☒Have already been filed in the above-identified U.S. application on August 30, 2011**II. Claims Correspondence Table:**

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
20	20	Claim 20 in U.S. App. sufficiently corresponds to claim 20 in the corres. PCT App.
21	21	Claim 21 in U.S. App. sufficiently corresponds to claim 21 in the corres. PCT App.
22	22	Claim 22 in U.S. App. sufficiently corresponds to claim 22 in the corres. PCT App.
23	23	Claim 23 in U.S. App. sufficiently corresponds to claim 23 in the corres. PCT App.
24	24	Claim 24 in U.S. App. sufficiently corresponds to claim 24 in the corres. PCT App.
25	25	Claim 25 in U.S. App. sufficiently corresponds to claim 25 in the corres. PCT App.
26	26	Claim 26 in U.S. App. sufficiently corresponds to claim 26 in the corres. PCT App.
27	27	Claim 27 in U.S. App. sufficiently corresponds to claim 27 in the corres. PCT App.
28	28	Claim 28 in U.S. App. sufficiently corresponds to claim 28 in the corres. PCT App.
29	29	Claim 29 in U.S. App. sufficiently corresponds to claim 29 in the corres. PCT App.
30	30	Claim 30 in U.S. App. sufficiently corresponds to claim 30 in the corres. PCT App.
31	31	Claim 31 in U.S. App. sufficiently corresponds to claim 31 in the corres. PCT App.
32	32	Claim 32 in U.S. App. sufficiently corresponds to claim 32 in the corres. PCT App.
33	33	Claim 33 in U.S. App. sufficiently corresponds to claim 33 in the corres. PCT App.
34	34	Claim 34 in U.S. App. sufficiently corresponds to claim 34 in the corres. PCT App.
35	35	Claim 35 in U.S. App. sufficiently corresponds to claim 35 in the corres. PCT App.
36	36	Claim 36 in U.S. App. sufficiently corresponds to claim 36 in the corres. PCT App.
37	37	Claim 37 in U.S. App. sufficiently corresponds to claim 37 in the corres. PCT App.
38	38	Claim 38 in U.S. App. sufficiently corresponds to claim 38 in the corres. PCT App.

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature /Ryan T. Grace/	Date 10/20/2011
Name (Print/Typed) Ryan T. Grace	Registration Number 52,956

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(continued)

Application No.:	12/782,866
First Named Inventor:	Curtis H. Stowe

- 

Is attached

- ☒

Has already been filed in the above-identified U.S. application on August 30, 2011

- 11

Are attached.

- ☒

Have already been filed in the above-identified U.S. application on **August 30, 2011**

## II. Claims Correspondence Table:

[illegible]

**III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.**

Signature <b>/Ryan T. Grace/</b>	Date <b>10/20/2011</b>
Name (Print/Typed) <b>Ryan T. Grace</b>	Registration Number <b>52,956</b>

## PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

RYAN T. GRACE

ADVENT IP, P.C., L.L.O. 2425 SOUTH 144TH STREET  
SUITE 202 OMAHA NE 68144 USA

**PCT**

RECEIVED

AUG 19 2011

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **12 AUGUST 2011 (12.08.2011)**

Applicant's or agent's file reference  
15721.0735WO01

**FOR FURTHER ACTION**

See paragraph 2 below

International application No.

**PCT/US2011/036615**

International filing date (day/month/year)

**16 MAY 2011 (16.05.2011)**

Priority date(day/month/year)

19 MAY 2010 (19.05.2010)

International Patent Classification (IPC) or both national classification and IPC

**B65D 77/04(2006.01)i, B65D 5/54(2006.01)i, B65D 75/58(2006.01)i, B65D 81/34(2006.01)i**

Applicant

**CONAGRA FOODS RDM. INC. et al**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☐ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

Name and mailing address of the ISA/KR  
Korean Intellectual Property Office  
Government Complex-Daejeon, 189  
Cheongsu-ro, Seo-gu, Daejeon 302-  
701, Republic of Korea  
Facsimile No. 82-42-472-7140



Date of completion of this opinion

11 AUGUST 2011 (11.08.2011)

Authorized officer

KIM, Tae Soo

Telephone No.82-42-481-5970



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/US2011/036615**

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	1-128	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-110	YES
	Claims	111-128	NO
Industrial applicability (IA)	Claims	1-128	YES
	Claims	NONE	NO

**2. Citations and explanations :**

**Reference is made to the following documents:**

D1: US 2006-0233928 A1

D2: WO 9304944 A1

D3: US 5540381 A

**Novelty and Inventive step:**

Claims 1, 39, 100 describe a packaging assembly comprising a packaging sleeve with unique structural feature, which is neither anticipated nor obvious from the prior arts D1-D3.

Claim sets 2-27, 40-45, 101-110 are dependent on Claim 1, 39, 100, respectively.

Claims 28, 71, 81 describe a product assembly comprising a packaging sleeve with unique structural feature, which is neither anticipated nor obvious from the prior arts D1-D3.

Claim sets 29-38, 72-80, 82-99 are dependent on Claim 28, 71, 81, respectively.

Claim 46 describes a container having a container rim with a plurality of structural elements, which are neither anticipated nor obvious from the prior arts D1-D3.

Claims 47-70 are dependent on Claim 46.

Claim 111 describes a product assembly, comprising a container and a packaging sleeve. The container and the sleeve, by which the technical feature of the invention of Claim 111 is characterized, correspond to the container (24) and the cover (30) disclosed in D1. The detailed structural differences between the invention of Claim 111 and the prior art D1 is considered to be obvious to a person skilled in the art.

Claim 120 describes a product assembly, the technical feature of which is substantially identical to that of Claim 111. Thus the invention of Claim 120 is considered to be obvious over the prior art D1.

The technical features described in dependent Claims 112-119, 121-128 are disclosed in D1 or obvious to a person skilled in the art.

Therefore the subject matter of Claims 1-110 is considered to be novel and to involve an inventive step under PCT Article 33(2)-(3); the subject matter of Claims 111-128 is considered to be novel under PCT Article 33(2), but lacks an inventive step under PCT Article 33(3).

**Industrial applicability:**

The subject matter of Claims 1-128 relates to a packaging assembly, thus meets the requirement of PCT Article 33(4) with respect to industrial applicability.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
**PCT/US2011/036615**

**Box No. I Basis of this opinion**

1. With regard to the **language**, this opinion has been established on the basis of :
  - ☐ the international application in the language in which it was filed
  - ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
  - a. a sequence listing filed or furnished
    - ☐ on paper
    - ☐ in electronic form
  - b. time of filing or furnishing
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

## PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
RYAN T. GRACE
ADVENT IP, P.C., L.L.O. 2425 SOUTH 144TH STREET SUITE 202 OMAHA NE 68144 USA

PCT

RECEIVED

AUG 19 2011

**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing (day/month/year) 12 AUGUST 2011 (12.08.2011)
Applicant's or agent's file reference 15721.0735WO01
<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International application No. <b>PCT/US2011/036615</b>
International filing date (day/month/year) <b>16 MAY 2011 (16.05.2011)</b>
Applicant <b>CONAGRA FOODS RDM. INC. et al</b>

1. ☐ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 82 70

**For more detailed instructions, see *PCT Applicant's Guide*, International Phase, paragraphs 9.004 - 9.011.**

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to any protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:  
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with any request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**


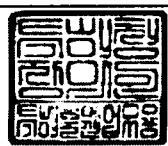
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. Following the expiration of 30 months from the priority date, these comments will also be made available to the public.

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau before the completion of the technical preparations for international publication (Rules 90bis.1 and 90bis.3).

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

For details about the applicable time limits, Office by Office, see [www.wipo.int/pct/en/texts/time\\_limits.html](http://www.wipo.int/pct/en/texts/time_limits.html) and the PCT Applicant's Guide, National Chapters.

Name and mailing address of the ISA/KR  Korean Intellectual Property Office Government Complex-Daejeon, 189 Cheongsu-ro, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer  COMMISSIONER  Telephone No. 82-42-481-8755	
---	--	---

\* Attention

Copies of the documents cited in the international search report can be searched in the following Korean Intellectual Property Office English website for three months from the date of mailing of the international search report.

<http://www.kipo.go.kr/en/> => PCT Services => PCT Services

ID : PCT international application number

PW : **6GXOA6GW**

Inquiries related to PCT International Search Report or Written Opinion prepared by KIPO as an International Searching Authority can be answered not only by KIPO but also through IPKC (Intellectual Property Korea Center), located in Vienna, VA, which functions as a PCT Help Desk for PCT applicants.

Homepage: <http://www.ipkcenter.com>

Email: [ipkc@ipkcenter.com](mailto:ipkc@ipkcenter.com)

Phone: +1 703 388 1066

Fax: +1 703 388 1084



## PATENT COOPERATION TREATY

PCT/US2011/036615

## PCT

## INTERNATIONAL SEARCH REPORT

RECEIVED

(PCT Article 18 and Rules 43 and 44)

AUG 19 2011

Applicant's or agent's file reference 15721.0735WO01	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/US2011/036615</b>	International filing date ( <i>day/month/year</i> ) <b>16 MAY 2011 (16.05.2011)</b>	(Earliest) Priority Date ( <i>day/month/year</i> ) 19 MAY 2010 (19.05.2010)
Applicant  <b>CONAGRA FOODS RDM. INC. et al</b>		

This International search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of:

- ☐ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

- ☐ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☐ the text is approved as submitted by the applicant.  
☐ the text has been established, according to Rule 38.2, by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1  
☐ as suggested by the applicant.  
☐ as selected by this Authority, because the applicant failed to suggest a figure.  
☐ as selected by this Authority, because this figure better characterizes the invention.  
b. ☐ none of the figure is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.  
**PCT/US2011/036615****A. CLASSIFICATION OF SUBJECT MATTER****B65D 77/04(2006.01)i, B65D 5/54(2006.01)i, B65D 75/58(2006.01)i, B65D 81/34(2006.01)i**

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

B65D 77/04; B65D 5/04; B65D 71/36; B65B 25/06

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Korean utility models and applications for utility models

Japanese utility models and applications for utility models

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

eKOMPASS(KIPO internal) &amp; Keywords: packaging, assembly

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 2006-0233928 A1 (GARY J. WYSOCKI; RUSSELL M. WYSOCKI) 19 October 2006	1-110
X	See Abstract, Pages 2-3 and Figure 1.	111-128
A	WO 93-04944 A1 (THE C.W. ZUMBIEL CO.) 18 March 1993	1-128
	See the whole Figures.	
A	US 05540381 A (DAVIS; MARTHA) 30 July 1996	1-128
	See the whole Figures.	

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&amp;" document member of the same patent family

Date of the actual completion of the international search

11 AUGUST 2011 (11.08.2011)

Date of mailing of the international search report

**12 AUGUST 2011 (12.08.2011)**

Name and mailing address of the ISA/KR

Korean Intellectual Property Office  
Government Complex-Daejeon, 189 Cheongsa-ro,  
Seo-gu, Daejeon 302-701, Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

KIM, Tae Soo

Telephone No. 82-42-481-5970



**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International application No.

**PCT/US2011/036615**

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2006-0233928 A1	19.10.2006	US 2006-233928 A1 US 2008-0274238 A1 US 2008-274238 A1	19.10.2006 06.11.2008 06.11.2008
WO 93-04944 A1	18.03.1993	AT 148672 T AU 9019991 A CA 2073728 A1 CA 2073728 C DE 69124629 D1 EP 0600883 A1 EP 0600883 B1 US 05197656A A	15.02.1997 05.04.1993 05.03.1993 04.05.1999 20.03.1997 15.06.1994 05.02.1997 30.03.1993
US 05540381 A	30.07.1996	None	

## **CLAIMS DETERMINED TO BE PATENTABLE BY KIPO**

**NOTE: Only Claims 1-45 were filed in this U.S. Application (12/782,866) and correspond to Claims 1-45 of the PCT Application. The remaining claims were filed in other U.S. Applications.**

1. A packaging assembly, comprising:  
a packaging sleeve having a sleeve front and a sleeve back, wherein the packaging sleeve includes:  
a first curved corner opening, wherein the first curved corner opening is formed from a portion of a circumference of an ellipse having a first radius, and  
a second curved corner opening, wherein the second curved corner opening is formed from a portion of a circumference of an ellipse having a second radius;  
a container, wherein the packaging sleeve at least partially encloses the container, wherein the container includes a rim outer edge, wherein the rim outer edge includes:  
a first corner curve, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a third radius, and  
a second corner curve, wherein the second corner curve is formed from a portion of a circumference of an ellipse having a fourth radius;  
wherein the first radius is generally the same as the third radius to cause a geometrical alignment between the first curved corner opening of the packaging sleeve and the first corner curve of the container, wherein the second radius is generally the same as the fourth radius to cause a geometrical alignment between the second curved corner opening of the packaging sleeve and the second corner curve of the container.
2. The packaging assembly of claim 1, wherein the first curved corner opening of the packaging sleeve is diagonally oriented in relation to the second curved corner opening of the packaging sleeve, wherein the first corner curve of the rim outer edge is diagonally oriented in relation to the second corner curve of the rim outer edge.
3. The packaging assembly of claim 1, wherein the packaging sleeve further comprises a first closed corner and a second closed corner.

4. The packaging assembly of claim 1, wherein the length of the first radius, the length of the second radius, the length of the third radius, and the length of the fourth radius are generally the same.

5. The packaging assembly of claim 1, wherein the container rim further includes a rim inner edge, wherein the rim inner edge includes:

- a first side inner rim edge,

- a second side inner rim edge,

- a third side inner rim edge, wherein the third side inner rim edge includes:

- a third side convex curve formed from a portion of a circumference of an ellipse having a fifth radius, and

- a third side concave curve formed from a portion of a circumference of an ellipse having a sixth radius,

- a fourth side inner rim edge, wherein the fourth side inner rim edge includes:

- a fourth side convex curve formed from a portion of a circumference of an ellipse having a seventh radius, and

- a fourth side concave curve formed from a portion of a circumference of an ellipse having an eighth radius;

6. The packaging assembly of claim 5, wherein the length of the fifth radius is greater than at least one member of a group comprising: the length of the sixth radius and the length of the eighth radius.

7. The packaging assembly of claim 5, wherein the length of the seventh radius is greater than at least one member of a group comprising: the length of the sixth radius and the length of the eighth radius.

8. The packaging assembly of claim 5, wherein the length of the fifth radius is generally the same as the length of the seventh radius, wherein the length of the sixth radius is generally the same as the length of the eighth radius.

9. The packaging assembly of claim 5, wherein the rim inner edge further comprises:

a first corner curve geometrically transitioning the third side concave curve to the first side inner rim edge, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a ninth radius, and

a second corner curve geometrically transitioning the fourth side concave curve to the second side inner rim edge, wherein the second corner curve is formed from a portion of a circumference of an ellipse having a tenth radius.

10. The packaging assembly of claim 9, wherein the length of the ninth radius is generally the same as the length of the tenth radius.

11. The packaging assembly of claim 9, wherein the length of the ninth radius is at least one member of a group comprising: less than the length of the fifth radius, less than the length of the sixth radius, less than the length of the seventh radius, and less than the length of the eighth radius.

12. The packaging assembly of claim 1, wherein the sleeve front includes a prepared product indicator field and an ingredient indicator field.

13. The packaging assembly of claim 12, wherein the prepared product indicator field is populated with a prepared product indicator that includes image indicia signaling a state of a cooked food product having at least one cooked ingredient.

14. The packaging assembly of claim 13, wherein the ingredient indicator field is populated with at least one ingredient indicator that includes image indicia signaling a prepackaged state of the at least one cooked ingredient signaled by the prepared product indicator field.

15. The packaging assembly of claim 14, wherein the sleeve front further includes a primary ingredient reinforcement indicator field.

16. The packaging assembly of claim 15, wherein the primary ingredient reinforcement indicator field overlaps the ingredient indicator field.

17. The packaging assembly of claim 15, wherein the primary ingredient reinforcement indicator field is populated with textual indicia signaling the preprocessed state of the image indicia populated to the ingredient indicator field.

18. The packaging assembly of claim 17, wherein the sleeve front further includes a secondary ingredient reinforcement indicator field.

19. The packaging assembly of claim 18, wherein the secondary ingredient reinforcement indicator field is populated with a cool color.

20. The packaging assembly of claim 19, wherein the cool color is a color, clockwise from yellow to violet in the RYB Color Model.

21. The packaging assembly of claim 12, wherein the prepared product indicator field is populated with a prepared product indicator that includes image indicia signaling a state of a cooked food product having a plurality of cooked ingredients.

22. The packaging assembly of claim 21, wherein the ingredient indicator field is populated with an array of ingredient indicators, wherein each ingredient indicator in the array includes image indicia signaling a prepackaged state of at least one of the cooked ingredients in the plurality of cooked ingredients.

23. The packaging assembly of claim 1, wherein the sleeve front includes a brand indicator field and a brand tying indicator field.

24. The packaging assembly of claim 23, wherein the brand indicator field is populated with textual indicia that signals a brand of a food product.

25. The packaging assembly of claim 24, wherein the brand tying indicator field is populated with image indicia having a shape corresponding to at least one portion of the image indicia populated to the brand indicator field.

26. The packaging assembly of claim 23, wherein the brand tying indicator field is populated with at least one member of a group comprising: image indicia signaling a cooking method for a food product, textual indicia signaling a cooking method for a food product, and textual indicia signaling a product type for a food product.

27. The packaging assembly of claim 24, wherein the brand tying indicator field includes a first sub-field and a second sub-field, wherein the first sub-field and the second sub-field are graphically separate, wherein the first sub-field and the second sub-field are populated with image indicia having a shape that collaboratively corresponds to at least one portion of the image indicia populated to the brand indicator field.

28. A product assembly, comprising:  
a food product located in a container, wherein the food product includes a plurality of ingredients;

a packaging sleeve enclosing at least a portion of the container;

the packaging sleeve having a sleeve front and a sleeve back, wherein the packaging sleeve includes:

a curved corner opening, wherein the curved corner opening is formed from a portion of a circumference of an ellipse having a first radius;

the container includes a rim outer edge, wherein the rim outer edge includes:

a corner curve, wherein the corner curve is formed from a portion of a circumference of an ellipse having a second radius;



wherein the first radius is generally the same as the second radius to cause a geometrical alignment between the curved corner opening of the packaging sleeve and the corner curve of the container.

29. The product assembly of claim 28, wherein the packaging sleeve further comprises a first closed corner and a second closed corner.

30. The product assembly of claim 28, wherein the length of the first radius and the length of the second radius are generally the same.

31. The product assembly of claim 28, wherein the sleeve front includes a prepared product indicator field and an ingredient indicator field.

32. The product assembly of claim 31, wherein the prepared product indicator field is populated with a prepared product indicator that includes image indicia signaling a cooked state of the food product located in the container.

33. The product assembly of claim 32, wherein the ingredient indicator field is populated with an array of ingredient indicators that include image indicia signaling a prepackaged state of the plurality of ingredients of the frozen meal located in the container.

34. The product assembly of claim 33, wherein the sleeve front further includes a primary ingredient reinforcement indicator field.

35. The product assembly of claim 34, wherein the primary ingredient reinforcement indicator field overlaps the ingredient indicator field.

36. The product assembly of claim 34, wherein the primary ingredient reinforcement indicator field is populated with textual indicia that signals at least one member of a group comprising: the preprocessed state of the plurality of ingredients of the food product located in the container, the preprocessed state of the array of ingredient indicators populated to the

ingredient indicator field, and the prepackaged state of the prepared product indicator populated to the prepared product indicator field.

37. The product assembly of claim 36, wherein the sleeve front further includes a secondary ingredient reinforcement indicator field.

38. The product assembly of claim 37, wherein the secondary ingredient reinforcement indicator field is populated with a cool color, wherein the cool color is a color, clockwise from yellow to violet in the RYB Color Model.

39. A packaging assembly, comprising:  
a packaging sleeve, wherein the packaging sleeve includes:  
a sleeve front, wherein the sleeve front includes:  
a first front curve formed from a portion of a circumference of an ellipse having a first radius, and  
a second front curve formed from a portion of a circumference of an ellipse having a second radius,  
a sleeve back, wherein the sleeve back includes:  
a first back curve formed from a portion of a circumference of an ellipse having a third radius, and  
a second back curve formed from a portion of a circumference of an ellipse having a fourth radius;  
wherein the first front curve and the first back curve form a first corner opening,  
and  
wherein the second front curve and the second back curve form a second corner opening;  
a container, wherein the packaging sleeve encloses at least a portion of the container, wherein the container includes a rim outer edge, wherein the rim outer edge includes:  
a first corner curve, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a fifth radius, and

a second corner curve, wherein the second corner curve is formed from a portion of a circumference of an ellipse having a sixth radius;

wherein the fifth radius is generally the same as the first radius and the third radius to cause a geometrical alignment between the first curved corner opening of the packaging sleeve and the first corner curve of the container, wherein the sixth radius is generally the same as the second radius and the fourth radius to cause a geometrical alignment between the second curved corner opening of the packaging sleeve and the second corner curve of the container.

40. The packaging assembly of claim 39, wherein the first curved corner opening of the packaging sleeve is diagonally oriented in relation to the second curved corner opening of the packaging sleeve, wherein the first corner curve of the rim outer edge is diagonally oriented in relation to the second corner curve of the rim outer edge.

41. The packaging assembly of claim 39, wherein the packaging sleeve further comprises a first closed corner and a second closed corner.

42. The packaging assembly of claim 39, wherein the container rim further includes a rim inner edge, wherein the rim inner edge includes:

a first side inner rim edge,

a second side inner rim edge,

a third side inner rim edge, wherein the third side inner rim edge includes:

a third side convex curve formed from a portion of a circumference of an ellipse having a seventh radius, and

a third side concave curve formed from a portion of a circumference of an ellipse having an eighth radius,

a fourth side inner rim edge, wherein the fourth side inner rim edge includes:

a fourth side convex curve formed from a portion of a circumference of an ellipse having a ninth radius, and

a fourth side concave curve formed from a portion of a circumference of an ellipse having a tenth radius;

43. The packaging assembly of claim 42, wherein the length of the seventh radius is greater than at least one member of a group comprising: the length of the eighth radius and the length of the tenth radius.

44. The packaging assembly of claim 42, wherein the length of the ninth radius is greater than at least one member of a group comprising: the length of the eighth radius and length of the tenth radius.

45. The packaging assembly of claim 42, wherein the length of the seventh radius is generally the same as the length of the ninth radius, wherein the length of the eighth radius is generally the same as the length of the tenth radius.

46. A container, comprising:  
a container rim, wherein the container rim includes a rim inner edge, wherein the rim inner edge includes:  
a first side inner rim edge,  
a second side inner rim edge,  
a third side inner rim edge, wherein the third side inner rim edge includes:  
a third side convex curve formed from a portion of a circumference of an ellipse having a first radius, and  
a third side concave curve formed from a portion of a circumference of an ellipse having a second radius,  
a fourth side inner rim edge, wherein the fourth side inner rim edge includes:  
a fourth side convex curve formed from a portion of a circumference of an ellipse having a third radius, and  
a fourth side concave curve formed from a portion of a circumference of an ellipse having a fourth radius;  
a container bottom; and  
a container wall extending downwardly from the rim inner edge to the container bottom.

47. The container of claim 46, wherein the length of the first radius is at least one member of a group comprising: greater than the length of the second radius and greater than the length of the fourth radius.

48. The container of claim 46, wherein the length of the third radius is at least one member of a group comprising: greater than the length of the second radius and greater than the length of the fourth radius.

49. The container of claim 46, wherein the length of the first radius is generally the same as the length of the third radius, wherein the length of the second radius is generally the same as the length of the fourth radius.

50. The container of claim 46, wherein the rim inner edge further comprises:  
a first corner curve geometrically transitioning the third side concave curve to the first side inner rim edge, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a fifth radius, and  
a second corner curve geometrically transitioning the fourth side concave curve to the second side inner rim edge, wherein the second corner curve is formed from a portion of a circumference of an ellipse having a sixth radius.

51. The container of claim 50, wherein the length of the fifth radius is generally the same as the length of the sixth radius.

52. The container of claim 51, wherein the length of the fifth radius is at least one member of a group comprising: less than the length of the first radius, less than the length of the second radius, less than the length of the third radius, and less than the length of the fourth radius.

53. The container of claim 50, wherein a line formed from the first side inner rim edge is generally parallel to a line formed from the second side inner rim edge.

54. The container of claim 53, wherein the line formed from the first side inner rim edge is generally tangent to the circumference of the ellipse having the fifth radius, wherein the circumference of the ellipse having the second radius is generally tangent to the circumference of the ellipse having the fifth radius.

55. The container of claim 53, wherein the line formed from the second side inner rim edge is generally tangent to the circumference of the ellipse having the sixth radius, wherein the circumference of the ellipse having the fourth radius is generally tangent to the circumference of the ellipse having the sixth radius.

56. The container of claim 53, wherein the line formed from the second side inner rim edge is generally secant to the circumference of the ellipse having the first radius, wherein the circumference of the ellipse having the first radius is generally tangent to the circumference of the ellipse having the second radius.

57. The container of claim 53, wherein the line formed from the first side inner rim edge is generally secant to the circumference of the ellipse having the second radius, wherein the circumference of the ellipse having the second radius is generally tangent to the circumference of the ellipse having the first radius and generally tangent to the circumference of the ellipse having the fifth radius.

58. The container of claim 53, wherein the line formed from the first side inner rim edge is generally secant to the circumference of the ellipse having the third radius, wherein the circumference of the ellipse having the third radius is generally tangent to the circumference of the ellipse having the fourth radius.

59. The container of claim 53, wherein the line formed from the second side inner rim edge is generally secant to the circumference of the ellipse having the fourth radius, wherein the ellipse having the fourth radius is generally tangent to the circumference of the ellipse having the third radius and generally tangent to the circumference of the ellipse having the sixth radius.

60. The container of claim 50, wherein the container rim further comprises a rim outer edge, wherein the rim outer edge includes:

- a first side outer rim edge,
- a second side outer rim edge,
- a third side outer rim edge,
- a fourth side outer rim edge,

a first corner curve geometrically transitioning the third side outer rim edge to the first side outer rim edge, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a seventh radius,

a second corner curve geometrically transitioning the first side outer rim edge to the fourth side outer rim edge, wherein the second corner curve is formed from a portion of a circumference of an ellipse having an eighth radius,

a third corner curve geometrically transitioning the fourth side outer rim edge to the second side outer rim edge, wherein the third corner curve is formed from a portion of a circumference of an ellipse having a ninth radius, and

a fourth corner curve geometrically transitioning the second side outer rim edge to the third side outer rim edge, wherein the fourth corner curve is formed from a portion of a circumference of an ellipse having a tenth radius.

61. The container of claim 60, wherein the length of the seventh radius, the length of the eighth radius, the length of the ninth radius, and the length of the tenth radius are generally the same length.

62. The container of claim 60, wherein a line formed from the first side outer rim edge is generally parallel to a line formed from the second side outer rim edge, generally perpendicular to a line formed from the third side outer rim edge, and generally perpendicular to a line formed from the fourth side outer rim edge.

63. The container of claim 62, wherein the line formed from the first side outer rim edge is generally tangent to the circumference of the ellipse having the seventh radius, wherein

the line formed from the first side outer rim edge is generally tangent to the circumference of the ellipse having the eighth radius.

64. The container of claim 62, wherein the line formed from the second side outer rim edge is generally tangent to the circumference of the ellipse having the ninth radius, wherein the line formed from the second side outer rim edge is generally tangent to the circumference of the ellipse having the tenth radius.

65. The container of claim 62, wherein the line formed from the third side outer rim edge is generally tangent to the circumference of the ellipse having the tenth radius, wherein the line formed from the third side outer rim edge is generally tangent to the circumference of the ellipse having the seventh radius.

66. The container of claim 62, wherein the line formed from the fourth side outer rim edge is generally tangent to the circumference of the ellipse having the eighth radius, wherein the line formed from the fourth side outer rim edge is generally tangent to the circumference of the ellipse having the ninth radius.

67. The container of claim 46, further comprising a channel transition, wherein the channel transition geometrically transitions the container wall to the container bottom.

68. The container of claim 67, wherein the channel transition forms a channel between the container bottom and the container wall.

69. The container of claim 46, wherein the rim inner edge is geometrically structured to form a geometric cooking indicator that signals a cooking operation.

70. The container of claim 25, wherein the geometric cooking indicator is a steam vapor indicator signaling a steam cooking operation.

71. A product assembly, comprising:



a container having a food product therein, wherein the container includes:

a container rim, wherein the container rim includes a rim inner edge, wherein the rim inner edge includes:

- a first side inner rim edge,
- a second side inner rim edge,
- a third side inner rim edge, wherein the third side inner rim edge includes:
  - a third side convex curve formed from a portion of a circumference of an ellipse having a first radius, and
  - a third side concave curve formed from a portion of a circumference of an ellipse having a second radius,
- a fourth side inner rim edge, wherein the fourth side inner rim edge includes:
  - a fourth side convex curve formed from a portion of a circumference of an ellipse having a third radius, and
  - a fourth side concave curve formed from a portion of a circumference of an ellipse having a fourth radius.

72. The product assembly of claim 71, wherein the food product includes at least one member of a group comprising: a vegetable, a starch, and a protein.

73. The product assembly of claim 28, wherein the length of the first radius is greater than the length of the second radius and greater than the length of the fourth radius, wherein the length of the third radius is greater than the length of the second radius and greater than the length of the fourth radius.

74. The product assembly of claim 29, wherein the length of the first radius is generally the same as the length of the third radius, wherein the length of the second radius is generally the same as the length of the fourth radius.

75. The product assembly of claim 71, wherein the rim inner edge further comprises:

a first corner curve geometrically transitioning the third side concave curve to the first side inner rim edge, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a fifth radius, and

a second corner curve geometrically transitioning the fourth side concave curve to the second side inner rim edge, wherein the second corner curve porting is formed from a portion of a circumference of an ellipse having a sixth radius.

76. The product assembly of claim 75, wherein the length of the fifth radius is at least one member of a group comprising: generally the same as the length of the sixth radius, less than the length of the first radius, less than the length of the second radius, less than the length of the third radius, and less than the length of the fourth radius.

77. The product assembly of claim 75, wherein the container rim further comprises a rim out edge, wherein the rim outer edge includes:

- a first side outer rim edge,
- a second side outer rim edge,
- a third side outer rim edge,
- a fourth side outer rim edge,

a first corner curve geometrically transitioning the third side outer rim edge to the first side outer rim edge, wherein the first corner curve is formed from a portion of a circumference of an ellipse having a seventh radius.

a second corner curve geometrically transitioning the first side outer rim edge to the fourth side outer rim edge, wherein the second corner curve is formed from a portion of a circumference of an ellipse having a eighth radius.

a third corner curve geometrically transitioning the fourth side outer rim edge to the second side outer rim edge, wherein the third corner curve is formed from a portion of a circumference of an ellipse having a ninth radius.

a fourth corner curve geometrically transitioning the second side outer rim edge to the third side outer rim edge, wherein the fourth corner curve is formed from a portion of a circumference of an ellipse having a tenth radius.

78. The product assembly of claim 77, wherein the length of the seventh radius, the length of the eighth radius, the length of the ninth radius, and the length of the tenth radius are generally the same length.

79. The product assembly of claim 71, wherein the rim inner edge is geometrically structured to form a geometric cooking indicator that signals a cooking operation.

80. The product assembly of claim 79, wherein the geometric cooking indicator is a steam vapor indicator signaling a steam cooking operation.

81. A product assembly, comprising:  
a container having a food product therein, wherein the food product includes a plurality of ingredients;

a packaging sleeve enclosing at least a portion of the container, wherein the packaging sleeve includes:

a prepared product indicator field populated with a prepared product indicator that includes image indicia signaling a cooked state of the food product in the container, and

an ingredient indicator field populated with at least one image indicia signaling a prepackaged state of at least one of the plurality of ingredients indicated by the prepared product indicator that signals the cooked state of the food product in the container.

82. The product assembly of claim 81, wherein in the ingredient indicator field is populated with an array of image indicia, wherein each image indicia of the array signals a prepackaged state of at least one of the plurality of ingredients indicated by the prepared product indicator.

83. The product assembly of claim 81, wherein the ingredient indicator field is adjacent the prepared product indicator field and oriented below the prepared product indicator field.

84. The product assembly of claim 81, wherein the packaging sleeve further includes a primary ingredient reinforcement field.

85. The product assembly of claim 84, wherein the primary ingredient reinforcement field overlaps at least a portion of the ingredient indicator field.

86. The product assembly of claim 84, wherein the primary ingredient reinforcement field is populated with textual indicia signaling at least one member of a group comprising: a fresh perception state of the image indicia populated to the ingredient indicator field, a fresh perception state of the image indicia populated to the prepared product indicator field, and a fresh perception state of the plurality of ingredients of the food product located in the container.

87. The product assembly of claim 86, wherein the packaging sleeve further includes a secondary ingredient reinforcement field, wherein the secondary ingredient reinforcement field is populated with a color.

88. The product assembly of claim 87, wherein the color is a color, clockwise, from yellow to violet in the RYB Color Model.

89. The product assembly of claim 81, wherein the packaging sleeve further includes a brand indicator field, wherein the brand indicator field is populated with textual indicia signaling a brand of the food product located in the container.

90. The product assembly of claim 89, wherein the packaging sleeve further includes a brand tying indicator field.

91. The product assembly of claim 90, wherein the brand tying indicator field is shaped to correspond to at least a portion of the textual indicia indicating the brand of the food product located in the container.

92. The product assembly of claim 91, wherein the brand tying indicator field includes a first sub-field and a second sub-field.

93. The product assembly of claim 92, wherein the first sub-field is populated with image indicia signaling a cooking method for preparing the food product located in the container.

94. The product assembly of claim 93, wherein the first sub-field is populated with textual indicia signaling a cooking method for preparing the food product located in the container.

95. The product assembly of claim 92, wherein the second sub-field is populated with a product type indicator that includes textual indicia signaling a product type of the food product located in the container.

96. The product assembly of claim 81, wherein the packaging sleeve further includes a cooking method indicator field populated with image indicia signaling a cooking method for preparing the food product located in the container.

97. The product assembly of claim 96, wherein the container includes an inner rim edge, wherein the inner rim edge is geometrically structured to form a geometric cooking indicator that signals a cooking operation for cooking the food product located in the container.

98. The product assembly of claim 97, wherein the image indicia populated to the cooking method indicator field is a steam vapor icon.

99. The product assembly of claim 98, wherein the geometric cooking indicator is a steam vapor indicator signaling a steam cooking operation, wherein the steam vapor indicator forms a nexus with the steam vapor icon populated to the cooking method indicator field.

100. A packaging assembly, comprising:  
a container;  
a packaging sleeve enclosing at least a portion of the container, wherein the packaging sleeve includes:

a prepared product indicator field populated with a prepared product indicator that includes image indicia signaling a cooked state of a food product having a plurality of ingredients, and

an ingredient indicator field populated with an array of image indicia, wherein each image indicia of the array signals a prepackaged state of at least one of the plurality of ingredients indicated by the image indicia populated in the prepared product indicator field.

101. The packaging assembly of claim 100, wherein the ingredient indicator field is adjacent the prepared product indicator field and oriented below the prepared product indicator field.

102. The packaging assembly of claim 100, wherein the packaging sleeve further includes a primary ingredient reinforcement field.

103. The packaging assembly of claim 102, wherein the primary ingredient reinforcement field overlaps at least a portion of the ingredient indicator field.

104. The packaging assembly of claim 102, wherein the primary ingredient reinforcement field is populated with textual indicia signaling a fresh perception state of the image indicia populated to the ingredient indicator field, and signaling a fresh perception state of the image indicia populated to the prepared product indicator field.

105. The packaging assembly of claim 104, wherein the packaging sleeve further includes a secondary ingredient reinforcement field, wherein the secondary ingredient reinforcement field is populated with a color.

106. The packaging assembly of claim 105, wherein the color is a color, clockwise, from yellow to violet in the RYB Color Model.

107. The packaging assembly of claim 100, wherein the packaging sleeve further includes a cooking method indicator field populated with image indicia signaling a cooking method.

108. The packaging assembly of claim 107, wherein the container includes an inner rim edge, wherein the inner rim edge is geometrically structured to form a geometric cooking indicator that signals a cooking operation.

109. The packaging assembly of claim 108, wherein the image indicia populated to the cooking method indicator field is a steam vapor icon.

110. The packaging assembly of claim 109, wherein the geometric cooking indicator is a steam vapor indicator signaling a steam cooking operation, wherein the steam vapor indicator forms a nexus with the steam vapor icon populated to the cooking method indicator field.



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,866	05/19/2010	Curtis H. Stowe	15721.0735US02	5544
96845	7590	11/16/2011	EXAMINER	
Advent IP, P.C., L.L.O. 2425 South 144th Street Suite 202 Omaha, NE 68144-3282			THAKUR, VIREN A	
			ART UNIT	PAPER NUMBER
			1782	
			NOTIFICATION DATE	DELIVERY MODE
			11/16/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@adventip.com  
kelly@adventip.com  
berggren@adventip.com





UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

BC

November 15, 2011

In re application of	:	DECISION ON REQUEST TO
Curtis H. Stowe et al.	:	PARTICIPATE IN PATENT
Serial No. 12/782,866	:	PROSECUTION HIGHWAY
Filed: May 19, 2010	:	PROGRAM AND
Attorney Docket No: 15721.0735US02	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed October 20, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must disclose an eligible relationship to one or more PCT applications where the ISA or IPEA are the APO, IPA, JPO, KIPO, NBPR, NPI, EPO, Rospatent, IPOS, SPTO, PRV, UK IPO or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;
- (4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);
- (5) Examination of the U.S. application has not begun;
- (6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof if the latest international work

Application No. 12/782,866

product is not in the English language; and

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Blaine Copenheaver, Quality Assurance Specialist, at (571) 272-1156.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Blaine Copenheaver/

---

Blaine Copenheaver  
Quality Assurance Specialist  
Technology Center 1700



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,895	05/19/2010	Hendrik A. Goosen	6000-53300	5604
58467	7590	12/05/2011		
MHKKG/Oracle (Sun)			EXAMINER	
P.O. BOX 398			KOENIG, ANDREW Y	
AUSTIN, TX 78767			ART UNIT	PAPER NUMBER
			2423	
			NOTIFICATION DATE	DELIVERY MODE
			12/05/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent\_docketing@intprop.com  
ptomhkkkg@gmail.com

Application/Control Number: 12/782,895  
Art Unit: 2421

Page 2



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MHKKG/Oracle (Sun)  
P.O. Box 398  
Austin, TX 78767

In re Application of: Hendrik A. Goosen	)	
Edward J. Rak	)	Petition under 37 CFR 1.48(a)
Application No. 12/782895	)	
Attorney Docket No. 6000-53300	)	
Filed: May 19, 2010	)	
For: Video Streaming System Including a	)	
Fast Channel Change Mechanism	)	
	)	
	)	

In view of the papers and petition filed May 26, 2011, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Bernard Van Haecke, such that the current inventorship is now Hendrik A. Goosen, Edward J. Rak and Bernard Van Haecke.

The petition has been **Granted**.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Inquiries to this decision may be directed to SPE Kristine Kincaid at (571) 272-4063.

Application/Control Number: 12/782,895

Page 3

Art Unit: 2421

/KRISTINE KINCAID/

Supervisory Patent Examiner, Art Unit 2421

Application/Control Number: 12/782,895  
Art Unit: 2421

Page 2



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

MHKKG/Oracle (Sun)  
P.O. Box 398  
Austin, TX 78767

In re Application of: Hendrik A. Goosen	)	
Edward J. Rak	)	Petition under 37 CFR 1.48(a)
Application No. 12/782895	)	
Attorney Docket No. 6000-53300	)	
Filed: May 19, 2010	)	
For: Video Streaming System Including a	)	
Fast Channel Change Mechanism	)	
	)	
	)	

In view of the papers and petition filed May 26, 2011, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding Bernard Van Haecke, such that the current inventorship is now Hendrik A. Goosen, Edward J. Rak and Bernard Van Haecke.

The petition has been **Granted**.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Inquiries to this decision may be directed to SPE Kristine Kincaid at (571) 272-4063.

Application/Control Number: 12/782,895

Page 3

Art Unit: 2421

/KRISTINE KINCAID/

Supervisory Patent Examiner, Art Unit 2421



## UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Decision Date : December 13, 2011

In re Application of :

Walter Presz

Application No : 12782943

Filed : 19-May-2010

Attorney Docket No : FDWT 2 00003US07

DECISION ON REQUEST TO WITHDRAW AS  
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed December 13, 2011

The request is **APPROVED**.

The request was signed by Richard M. Klein (registration no. 33000 ) on behalf of all attorneys/agents associated with Customer Number 27885 . All attorneys/agents associated with Customer Number 27885 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name FloDesign Wind Turbine Corp.

Name2

Address 1 380 Main Street

Address 2

City Wilbraham

State MA

Postal Code 01095

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



<b>Doc Code: PET.AUTO</b> <b>Document Description: Petition automatically granted by EFS-Web</b>		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	<b>REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS</b>	
Application Number	12782943	
Filing Date	19-May-2010	
First Named Inventor	Walter Presz	
Art Unit	3745	
Examiner Name	RICHARD EDGAR	
Attorney Docket Number	FDWT 2 00003US07	
Title	TURBINE WITH MIXERS AND EJECTORS	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: <span style="float: right;">27885</span>		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(5)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	FloDesign Wind Turbine Corp.	
Address	380 Main Street	
City	Wilbraham	
State	MA	
Postal Code	01095	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature

/ Richard M. Klein /

Name

Richard M. Klein

Registration Number

33000



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/782,983	05/19/2010	Hideki Tanaka	26214	5772
23389 7590 04/18/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER	
			ART UNIT	PAPER NUMBER
			3739	
			MAIL DATE	DELIVERY MODE
			04/18/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY NY 11530

*In re* Application of:  
TANAKA, HIDEKI  
Serial No.: 12/782,983  
Filed: May 19, 2010  
Docket: 26214  
Title: ENDOSCOPE SYSTEM

::  
:: DECISION ON REQUEST  
: TO PARTICIPATE IN  
:: PATENT PROSECUTION  
HIGHWAY (PPH) AND  
PETITION TO MAKE  
SPECIAL UNDER 37 CFR  
1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed April 15, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more corresponding application(s) filed in the JPO or to a PCT application that does not contain any priority claim, or the U.S. application must be a national stage entry of a PCT application that does not contain any priority claim;
- (2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
- (3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate; and
- (6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications.

In light of the petition being properly submitted, the request to participate in the PPH program and the petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The applicant is encouraged to cite and submit all relevant prior art references, if any, to facilitate examination in this application. This application will be forwarded to an examiner for examination.

Telephone inquiries concerning this decision should be directed to Henry C. Yuen at 571-272-4856. All other inquiries concerning the examination or status of the application should be directed to Linda Dvorak, SPE of Art Unit 3739 and 571-272-4764 for Class 600/109 and also accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.

Petition is **granted**.

/Henry C. Yuen/

---

Henry C. Yuen, Special Programs Examiner  
Technology Center 3700 – Mechanical Engineering,  
Manufacturing and Products  
571-272-4856



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/783,040	05/19/2010	Hideki Tanaka	26216	5875
23389 7590 06/06/2011 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER	
			ART UNIT	PAPER NUMBER
			2482	
			MAIL DATE	DELIVERY MODE
			06/06/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Scully Scott Murphy & Presser, PC  
400 Garden City Plaza  
Suite 300  
Garden City NY 11530

In re Application of: Hideki Tanaka  
Application No. 12/783,040  
Filed: May 19, 2010  
For: ENDOSCOPE SYSTEM

DECISION ON REQUEST TO  
PARTICIPATE IN PATENT  
PROSECUTION HIGHWAY  
PROGRAM AND PETITION TO  
MAKE SPECIAL UNDER 37 CFR  
1.102(d)

**MAILED**

JUN 06 2011

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2400

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the renewed petition under 37 CFR 1.102(d), filed April 15, 2011, to make the above-identified application special.

The petition is **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is
  - (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or
  - (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim, or
  - (c) a so-called bypass application filed under 35 U.S.C. 111 (a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority to an application filed in the JPO, or (ii) validly claims priority to a PCT application that contains no priority claims, or (iii) contains no priority claim.

Where the JPO application that contains the allowable/patentable claims is not the same application for which priority is claimed in the U.S. application, applicant must identify the relationship between the JPO application that contains the allowable/patentable claims and the JPO priority application claimed in the U.S. application;

- (2) Applicant must submit a copy of:
  - a. The allowable/patentable claim(s) from the Japanese application(s);
  - b. An English translation of the allowable/patentable claim(s), if the claims were published in a language other than English); and
  - c. A statement that the English translation is accurate;
- (3) Applicant must:
  - a. Ensure that all the claims in the U.S. application sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s) and
  - b. Submit a claim correspondence table in English;
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit:
  - a. A copy of all the office action(s) (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the Japanese application(s) containing the allowable/patentable claim(s);
  - b. An English language translation of the JPO office action(s) (if the office action(s) are not in the English language); and
  - c. A statement that the English translation is accurate;
- (6) Applicant must submit:
  - a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already filed in this application); and
  - b. Copies of all the documents cited in the JPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application).

The request to participate in the PPH program and petition are found to comply with all the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christopher Grant at 571-272-7294.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



*Application SN 12/783,040*  
*Decision on Petition*

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/Christopher Grant/

---

Christopher Grant  
Quality Assurance Specialist  
Technology Center 2400